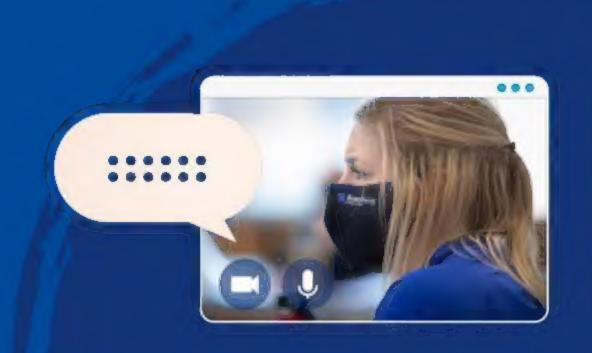
# ELAWINOTES

UNIVERSITY OF KENTUCKY J. DAVID ROSENBERG COLLEGE OF LAW







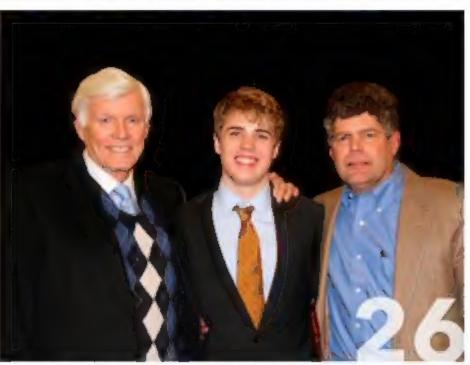


Forging Ahead with CREATIVITY & RESOLVE









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#### **ABOUT THIS MAGAZINE**

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# **MESSAGE FROM THE DEAN**

What did you do to survive the pandemic? How did online instruction work? Did the 1Ls really not get called on in-person? Did the faculty really teach remotely on Zoom for an entire year? How did you do it? We have all been asked these and similar questions over the course of the past year related to the challenges we have faced. My answer, and those found in this edition of Law Notes, is, "We did it together, with creativity and resolve. We leaned on one another. We listened to one another, to our students, to give what was needed, and we carried on."

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We did it together, with creativity and resolve. We leaned on one another. We listened to one another, to our students, to give what was needed, and we carried on."

Mary J. Davis

In this edition of Law Notes, you will find stories of the creativity and resolve of our students, faculty, staff, and alumni, during the last year and in their lives. The faces of the Classes of 2020 and 2021 from their joint graduation ceremony, socially distanced and with masks, demonstrate how sweet is the reward of their resolve and perseverance. We were joined by Chair Robert Vance (Law '68), of the UK Board of Trustees, and J. David Rosenberg (Law '73), who shared in the poignance and impact of that most unusual of graduation ceremonies. Professor Blanche Bong Cook, selected by the Class of 2021 to address the graduates on behalf of the faculty (the first woman of color so selected), inspired us with her passion for our students, for our profession, and for what our students will accomplish.

The truly remarkable accomplishments of our

students over the past year cannot be overstated. You will read about the journeys of Nick and Asia Ellis whose dream of advocating for others will be realized through their UK Rosenberg Law degree. Our students' journeys are unique and each one shows their resilience and commitment. The stories of Yesel Rodriguez. Miles Meehan, Kelly Daniel, and Jocelyn Lucero, will inspire and impress you. Both journals, the KLJ and the KJEANRL, selected women of color to serve as editors-in-chief for the 2021-22 year, Kelly Daniel and Jocelyn Lucero, a first for our college. The journals also hosted nationally attended symposia last year, an accomplishment made possible because of the webinar technology that the editors and staff used so effectively.

During the past year, the pandemic did not stop our faculty from being present on a national stage. Professor Cook hosted a daylong symposium, with the assistance of several students, on the wide array of legal issues surrounding the death of Breonna Taylor. National experts, including UK Rosenberg Law Professor Cortney Lollar, participated in the symposium. Professor Lollar is a national expert on the inequities in the criminal justice system and she shares her "Closing Thoughts" with you in this edition.

Creativity and resolve run in our students, faculty, and alumni's DNA. The story about James W. Lyon, Sr. (Law '55) provides an inspiring example. You will enjoy reading about how he lived a life in the law despite physical difficulties: he was born without hands and one leg. We introduce to you the Pioneers for Progress program, which engages and celebrates the life stories and accomplishments of our African-American alumni like Dwight A. Washington, (Law '75) and Chauncey Brummer, (Law '73), whose achievements have not been highlighted over the years as they should have been. Their journeys provide an important legacy for all of us, and for future generations.

We are eternally grateful to the support staff and custodians who continued showing up at our law building, day after day, when most of our operations were remote. They were the



glue that held the college together as most of us worked, learned and taught from home. During the past year, we found ways to survive our isolation from one another and to build resilience for the difficult days we and our families and community faced. I walked a lot and listened to my "pandemic playlist" which our students helped create. The one song that always made me stop and think about how best to support our community is one that epitomizes "how we did it" - "Lean on Me," by Bill Withers, "Sometime in our lives, we all have pain, we all have sorrow. But, if we are wise, we know that there's always tomorrow. Lean on me, when you're not strong. I'll be your friend. I'll help you carry on. For, it won't be long, 'til I'm gonna need, somebody to lean on." I am grateful to be your dean and be a part of this community that supports one another when times are difficult and celebrates one another's achievements. We are proud to be educating lawyers on whom others will lean. Thank you for your support and, as always, be well.

Mary Jacker

Mary J. Davis Dean and Ashland-Spears Distinguished Research Professor of Law







# College Holds Commencement for Classes of 2020 and 2021

On Friday, May 14, the University of Kentucky J. David Rosenberg College of Law held a commencement ceremony to honor the Class of 2021 as well as the Class of 2020, which did not have a commencement ceremony because of COVID-19 safety restrictions. Hundreds gathered – distanced and masked – at UK's Memorial Coliseum for an in-person celebration, following a year marked by in-person and online classes and numerous virtual events. All graduates from the Class of 2020 were recognized in the commencement program, and nearly two dozen graduates from the class returned to campus to attend the ceremony.

"We have just completed a year like no other in our lives," said UK Rosenberg Law Dean Mary J. Davis, who listed the myriad accomplishments of the classes of 2020 and 2021, which included organizing virtual symposia; partnering with the college to establish a student-led advisory board on diversity, equity, and inclusion initiatives; and participating in moot court and trial competitions.

"Through all of these activities, the Class of 2020 and the Class of 2021 demonstrated outward focus that will continue to serve them as they begin their legal careers," Davis said. "We wish you the best and we look forward to watching all of you, tomorrow's leaders, have meaningful impact on the law, the profession, and the world beyond."

Barrett Block of Lexington, Kentucky, provided remarks as the highest-ranked student in the Class of 2020.

"What makes the Rosenberg College of Law so special is the hearts of the people in it," Block said, "We're not just colleagues; we are friends. We put each other first and our work second. We genuinely care about each other, not because we are lawyers but because we are decent people. ... It's not what you do but who you do it for that really matters."

Block recognized his mom, dad, and sister in his remarks. "I believe the greatest achievement today doesn't belong to us — the ones wearing the caps and the gowns," he said. "No. The greatest achievement today belongs to those who put us in the caps and gowns."

Allie McNamara of Nashville, Tennessee, the highest-ranked student in the Class of 2021, provided remarks on behalf of her class.

"In August 2018, we could not have imagined the journey we would take. Over the next three years, we would experience three buildings, two names, and one global pandemic," McNamara said, referring to spaces temporarily used by the law school during the renovation and expansion of the law building and the college's name change in December 2019. In March 2020, all classes transitioned to online instruction because of the global pandemic.

"We were all sent home and forced to do law school from home — something that had never been done before," McNamara recalled. "... We finally got back in the building and it all culminates here at an in-person commencement for which I am completely and totally grateful. While the world appeared to stop, the Class of 2021 did not. We persevered and succeeded."

The faculty selected Aaron Meek of Lexington, Kentucky, as the 2020 Faculty Cup recipient and Maya S. Marshall of Atlanta, Georgia, as the 2021 Faculty Cup recipient. The Faculty Cup recognizes a graduating student whose endeavors, both in and outside of the classroom, made the law school a more interesting place for faculty and students alike. The recipients received an engraved silver julep cup presented by Dean Davis.

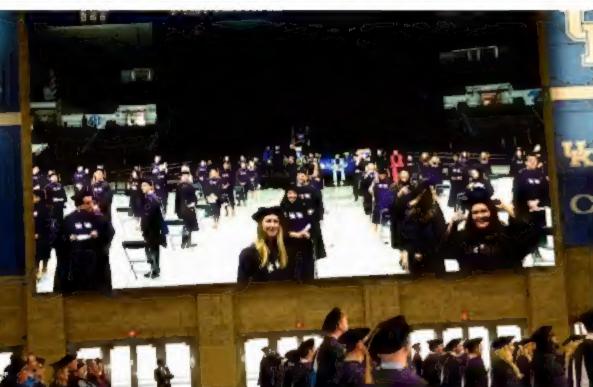
The Class of 2020 Order of the Coif inductees were recognized as well as the students in the Class of 2021 who are in the running for nomination and election to the Order of the Coif. The top 10 percent of the class will be inducted once all grades are final. Students from both classes were recognized with the Pro Bono Award for completing at least 50 hours of independent, law-related public service prior to graduation. Collectively, students from the two classes completed over 2,150 hours of pro bono service to the public.

Students selected Blanche Bong Cook, Robert E. Harding Jr. Associate Professor of Law, to deliver commencement remarks on behalf of the faculty.

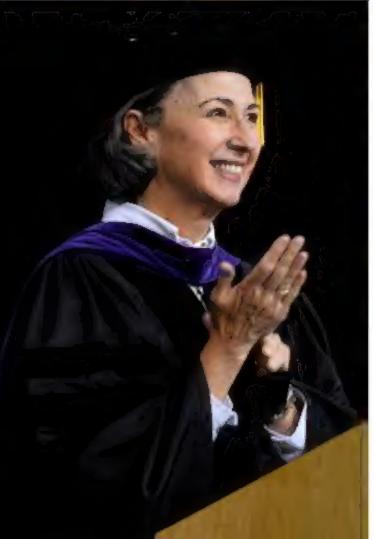
"These people in the front have won," Cook said about the students seated on the floor of the auditorium, "They have won. They have achieved the victory. Despite all the trials and tribulations, they won. And they not only won for themselves, but they won for all of you."















A Shared Dream to Help Others Brings Married Couple to UK Rosenberg Law

As a child, Asia Ellis had dreams of becoming a lawyer and helping others. Similarly, Nick Ellis also wanted to help people and had decided he would one day become a doctor.

The couple—now married for four years—met in high school in Detroit, Michigan. As undergraduates in college, Nick's plans changed and they found themselves on the road to law school, together. Nick and Asia graduated from the University of Kentucky J. David Rosenberg College of Law in May 2021.

"I've always had a passion for helping others and advocating for those who can't advocate for themselves," Asia said. She said becoming an attorney felt like the best use of her varied interests.

Asia majored in criminal justice as an undergraduate student at Grand Valley State University in Allendale, Michigan. Nick also attended Grand Valley State University, but he had other plans and majored in biology until about one year before graduation when he realized he didn't care for the courses in the program.

"I wanted to help people, and I wanted to be a leader in my community," Nick said. "So, with those goals in mind I decided to change my major to political science so I could go to law school. I always had this image in my mind that lawyers were leaders in their communities."

The couple made plans to

attend law school together and looked for a law school that understood their needs as a family and as nontraditional students. Asia and Nick worked at a Social Security disability law firm for about four years before coming to law school. "We really wanted to go to a school that recognized that we were a package deal," Asia said.

Nick said they understood each other's schedules and the rigor of law school because they were going through it together. "Having someone to talk out the material with definitely helped with the overall experience for me," he said.

"And we had each other to mentally rely on," Asia said. "If one was just going through some things, then the other could come in and pick the other one up and know exactly what they were going through without having to give false sentiments."

Asia said they were able to be honest with each other about not understanding tough material "and that went a long way."

Asia said she will likely think about the friendships made at UK Rosenberg Law when she looks back on the three years.

"We've gotten to be friends with such a great group of people who have just really challenged us—and not only challenged us intellectually but also personally," she said. "You want to be better because the people you associate with are better."

In addition, Asia recalled competing in the National Black Law Student Association Constance Baker Motley Mock Trial Competition and finishing fourth out of 61 teams. Her teammates were Anthony Franklin, Taylor Kennedy, and Toria Levy.

"We were one of the first groups in a very long time to be able to do something like that and bring that type of recognition not only to the University of Kentucky but also to the University of Kentucky BLSA chapter, and that definitely will be one of my highlights," she said.

Nick said the discussions with fellow students outside of the classroom, about topics brought up inside the classroom, would stay with him for a long time.

"Sometimes the discussions would lead to debates about criminal justice reform, or constitutional law issues like affirmative action, or family law and spousal support," Nick said. "Just getting... my classmates' viewpoints and realizing that as law students these are potential leaders in our community and so their policy preferences will go a long way in the future" was a valuable and unique experience.

Asia said this experience with their classmates helped foster diversity because oftentimes "we don't have the same views...but you still understand and have a genuine understanding and acceptance of someone else's opinion and their values."

Asia said she believes this understanding and acceptance will be beneficial in their future roles and they will be able to foster diversity throughout their careers,

Nick and Asia now look toward the future as law school graduates. Nick said he could see himself one day entering politics or becoming a federal judge. Asia is interested in working as in-house counsel for a Fortune 500 company or as an administrative law judge for Social Security.

# An Adventure of a Lifetime: 2021 Graduate Miles Meehan

Miles Meehan experienced a lifetime of adventure before entering law school – a star in a Broadway musical, UK Wildcat mascot, acting studio businessowner, police intern, youth pastor, and so on. But, if you ask Miles about one of his biggest blessings, he will talk about a behind-the-scenes role:

"Following college graduation, I had the opportunity to help my mom, who is a therapist, build a drama club for people who are intellectually and physically disabled. It was really special!"

As time passed, though things were going well, Miles felt increasingly discontent.

"I had so much, yet I was doing little for others. I decided to spend time with homeless people. Getting to know them, I realized many need an advocate. Since I love stories, both hearing and telling stories, I wanted to help people tell their stories to the world."

While Miles had thought seriously about law school, the possibility seemed unattainable due to his less-than-stellar college GPA.

"I couldn't believe it when I was accepted to UK Law. Thankfully, they look at the whole person, not just grades, and at age 29, I got the green light."

Throughout his life, Miles' family had encouraged him to nurture his creative talents. So, how does creativity relate to law?

"There is actually a great deal of creativity in the field of law. I look at case law or an argument and consider how I can creatively present to a jury and help my client reach their goals," he said.

Entering law school, Miles said he was "over the moon!"

"I was a little nervous, being older than most other students. Yet, everyone was extremely welcoming. I have tremendous respect for the faculty, who cared and were accessible. It wasn't a 'cut throat' atmosphere at all. All debate happened in a positive way. I made several lifelong friends."

Then COVID-19 hit. Suddenly, the typical stress of law school increased due to online classes. "It was hard to focus. Students and faculty alike fought anxiety." The struggles of 2020 made graduating in 2021 all the sweeter.

"A highlight of my life was graduation day. It was surreal walking in with cap and gown, hearing the music. I couldn't believe I made it. It was very humbling."

Miles continued, "I'm one of few who admits I loved law school, I didn't complain much about how strenuous it was. God was present throughout."

Following graduation. Miles was thrilled to be invited to work with Judge Walker of the Anchorage Superior Court bench.

"I have a one-year contract to serve as law clerk and staff attorney," he said. "I look forward to this season of life, learning new things and figuring out what's next."

Acting came easily to Miles. Law school pressed him to his limits and showed him what he was made of. He wants to encourage others to reach for their dreams. "Don't be afraid," he said. "Weigh the cost, yes, but go for it."

Miles is grateful for UK Rosenberg College of Law as well as his family and friends. "I couldn't have done it without them."





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I am proud that I have been able to make time for my family and get my readings done before class. I am a firm believer that no success can make up for failure in the home."

E. Yesel Rodriguez

## TELL US ABOUT YOUR BACKGROUND AND EDUCATION BEFORE LAW SCHOOL.

When I was in elementary school, I decided that I wanted to be a doctor and a lawyer when I grew up. I started college in a small community college called Snow College. When I finished my associate degree program, I transferred to Brigham Young University, but I later transferred to and graduated from Utah Valley University with a bachelor's degree in finance. I started off as a double major in business and chemistry because I wanted to do a joint JD/MD program, but I lost interest in medical school and didn't finish my chem degree. I worked at a credit union for several years in the accounting department while I was going to school, but a year before graduating I left the credit union and worked at a small software development company.

#### WHEN DID YOU FIRST BECOME INTERESTED IN LAW SCHOOL?

I was interested in law school at an early age, but I didn't want to practice law; I just wanted the knowledge and thought I wanted to practice medicine. Shortly before my first daughter was born, I started having second thoughts about medical school and becoming a doctor, but I wasn't entirely sure that I wanted to be a lawyer either. At the same time, there were certain political events going on in the country that caught my interest and as I watched everything unfold, I saw the role that lawyers played in fighting to have policies established and overturned. I realized that what I wanted all along was a career where I would be able to help people who had very complex problems and couldn't fix their situation by themselves. That's when I was sold on attending law school.

## WHAT DO YOU LIKE MOST ABOUT THE UK ROSENBERG COLLEGE OF LAW?

I love our professors at UK Rosenberg College of Law. I like how accessible they are. I love that I can talk with them outside of class and they don't make me feel like I'm beneath them or inconveniencing them, and I love that when they ask me how I'm doing they genuinely care about how I am doing. I like talking to my professors about their career paths, where they worked before teaching, and what they liked or didn't like about their previous jobs. I think we're very lucky to have such great professors at UK Rosenberg Law.

#### WHAT ACCOMPLISHMENTS ARE YOU MOST PROUD OF?

My proudest accomplishment is my family. My wife and I have been happily married for over 5 years and we have two beautiful little girls. I am proud that I have been able to make time for my family and get my readings done before class. I am a firm believer that no success can make up for failure in the home.

#### WHAT ARE YOUR CAREER GOALS?

I like business, corporate, immigration, and tax law. I would like to work at a firm or as an in-house counsel where I can practice in one or more of these areas. However, my dream is to eventually sit on the board of a large company (or two) and do pro bono immigration work on the side.

## WHAT ADVICE DO YOU HAVE FOR UNDERGRADUATE STUDENTS THINKING ABOUT GOING TO LAW SCHOOL?

I always tell undergrads that C's get degrees, but A's and B's get you into law school. On a more serious note, I would tell undergrads that law school is not a sprint, it is a marathon. Law school is challenging, but it is not impossible. You might have been one of the smartest people in your high school and/or college, but when you get to law school everyone is as smart as you. This means you probably won't be at the top of your class like you might be used to, but that doesn't mean you're not a good student; law school is just built different. Set realistic expectations, make goals that push yourself, and celebrate the small victories. Also, I think the hardest part of law school is managing your time. If you can learn to manage your time well, before going to law school, it will give you an advantage.

## WHAT HAS BEEN YOUR MOST MEMORABLE EXPERIENCE AT UK ROSENBERG COLLEGE OF LAW SO FAR?

I was competing in the 1L TAB competition and during crossexam I asked a question that exposed a fatal flaw in the defendant's testimony. When I asked it, the Trial Advocacy Board members who were judging our round in the jury box went "ooh" and I had to fight to keep from grinning.

# WHAT CHALLENGES/OBSTACLES HAVE YOU FACED WHILE WORKING TOWARD YOUR LAW DEGREE? HOW ARE YOU WORKING TO OVERCOME THOSE CHALLENGES/OBSTACLES?

The biggest challenge I've faced (besides the Covid-19 pandemic) has been balancing school time and family time. I realized at the end of my first semester that not only was I not spending enough time with my family, but if I didn't learn to manage it now, it would be a problem after I graduated and started working. I began to address this by setting aside a day (Sundays) to spend with my family. Then I set a strict schedule on schooldays where at a certain hour I stop what I'm doing and go home, even if I'm in the middle of a reading assignment. Recently I've been working on being more mentally present when I'm with my family, i.e. not thinking about unfinished work, not checking my emails every five minutes, etc. Before I started working on improving my family life, I had identified other challenges like getting distracted when I was supposed to be doing homework, finding time to outline, etc. When I made my family my focus, my other problems went away. In hindsight I see that to spend more time with my family, I needed to become more organized, more focused, etc. so by working on my family, I was also working on my other problems.

# **Boston Native** Becomes First Black Editor of UK's Kentucky Law Journal

University of Kentucky J. David Rosenberg College of Law law student Kelly Daniel recently became the first Black editor-in-chief of the college's Kentucky Law Journal (KLJ), serving for the 2021-2022 academic year.

Daniel, a native of Boston, recalls one of her most memorable experiences in law school when, during her first year, she and other members of the Black Law Students Association (BLSA) traveled to Louisville, Kentucky, to attend a small gathering hosted by alumnus Steven Reed ('86).

According to Daniel, Reed told the students that leaders were needed across student organizations, and they shouldn't limit themselves to one group. "And I took that with me throughout my time at UK, and I think that ... really gave me the motivation to decide to run for editor-in-chief." Daniel said.

"KLJ has been intentional this past year in its efforts to increase interest among diverse students to participate in the process for being selected to law journal," said Danny Murphy, senior assistant dean of community engagement and operations/chief diversity officer. "Ms. Daniel being selected as its first Black EIC is evidence of great results stemming from having a broader representation and participation of highly talented individuals, who happen to also be diverse. Congratulations to Ms. Daniel and congratulations to KLJ for their commitment that shows UK Rosenberg Law is a place where diversity and inclusion is valued."

KLJ has continuously published since 1913 and is the tenth oldest continuously published law review in the nation.

"Ms, Daniel represents the kind of dedicated, talented, and passionate student we have at UK Rosenberg Law," UK Rosenberg Law Dean Mary J. Davis said. "She will be a great leader of the Kentucky Law Journal and will enhance any



community where she takes her legal talents. Congratulations to her, and the KLJ."

As an undergraduate at Suffolk University in Boston, Daniel studied psychology. However, growing up, she saw her peers and classmates going to jail or prison and she felt that adequate services were needed in her community to prevent that outcome. In addition, "there were few attorneys who looked like me," Daniel said.

Daniel is a first-generation college graduate whose parents immigrated to the United States from Haiti. She worked at a criminal defense firm and then worked in the intellectual property department at a corporate law firm before enrolling in law school at UK in 2019.

Daniel applied to law schools across the country because she wanted to experience being away from home. She studied abroad in the Czech Republic as part of an honors program during her second year of college, and Daniel felt that she focused best when among strangers.

Daniel applied to law school at UK because of an application fee waiver, but a personalized note on Daniel's acceptance letter from the admissions director won her over.

"It was clear that they looked at my entire application from top to bottom. They knew who I was, and accepted me for who I was," Daniel said. "They thought that I would be a good addition to UK, and that sold me."

Daniel said little can prepare a student for the rigor of law school, but four years of work experience between receiving her undergraduate degree and entering law school helped her to hone time management skills.

"The professors make this experience incredibly worthwhile," Daniel said. "The coursework can be intimidating, but every professor I've had has been willing to sit with me and help me understand dense legal material."

Asked for advice she would give future students of color who want to serve on the KLJ board or as editor-in-chief, Daniel said students should talk to people on the board and attend events.

Very few people know about what law review entails until they're members," Daniel said. "I thought that my questions were silly, but in actuality, they were reasonable questions."

Daniel said she is excited about the upcoming year as EIC.

"I feel honored and am truly grateful that my peers thought I'd be best for this important position," she said. "It still feels surreal."

#### KENTUCKY LAW JOURNAL HOSTS VIRTUAL SYMPOSIUM ON SEX TRAFFICKING AND OPIOIDS

The University of Kentucky J.
David Rosenberg College of Law's
Kentucky Law Journal hosted a
virtual symposium on Feb. 5, 2021,
on sex trafficking and opioids. The
all-day symposium featured attorneys,
investigators, law professors from
across the country, representatives
from organizations that help victims,
and other experts on the topic. UK
Rosenberg Law students served as
moderators and panelists.

"Our nation is experiencing a meteoric rise in opioid overdoses. The sheer power of opioid dependency has left few untouched and many devastated in its wake. Inextricably intertwined with opioid dependency is an equally epidemic rise in sex trafficking," said Blanche Bong Cook, Robert E. Harding Jr. Associate Professor of Law, who organized the symposium with the Kentucky Law Journal.

Experts with firsthand experience in this issue sought to increase public awareness of the converging forces of dependency and vulnerability. Advocates addressed how the legal process can intervene in the demand for human flesh. And activists critiqued the current problems in the criminal justice system's attempt to ameliorate the problem through mass incarceration.

"I'm delighted to be able to be the dean of a college of law that has faculty and students committed to these issues," said UK Rosenberg Law Dean Mary J. Davis, who thanked Cook and KLJ students for being passionate about an important problem in Kentucky and the nation.

Kentucky Gov. Andv Beshear provided recorded remarks in which he talked about his work fighting sex trafficking and the opioid epidemic as the state's attorney general.

"These fights can't be won in a day. We have to scratch and claw for the inches, the yards that become miles of progress, and that is exactly what my administration will do to protect the lives of the lost and the lonely and the left behind," Beshear said. "To do this, we must bring all voices to the table like you've done today."

Judge Eric L. Clay, United States Court of Appeals for the Sixth Circuit, called the topic urgent and timely given the enormity of the problem, the number of victims, and the societal cost. "These two problems are so interconnected to other societal problems such as homelessness, employment, lack of affordable health care, just to name a few," Clay said.

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These two problems are so interconnected to other societal problems such as homelessness, employment, lack of affordable health care, just to name a few."

Judge Eric L. Clay

"There seems to be no doubt that the opioid crisis fuels human trafficking and that human trafficking exacerbates the opioid crisis. I'm sure that sex trafficking and opioid addiction have to be addressed together in order to devise solutions for treatment and rehabilitation of victims and to simply get victims to an environment where they will be safe."

The keynote speaker, Shea M. Rhodes, co-founder and director of Villanova Law's Institute to Address Commercial and Sexual Exploitation, spent years as a prosecutor before leaving her job to focus on helping the many women often charged with prostitution in her city.

"It was just clear to me as a young prosecutor there was not one single thing that I could do to punish these women." Rhodes said. "I knew in the back of my mind that what they experienced on the street was so much worse than anything that the criminal justice system could sentence them to. I knew they faced violence, physical abuse, sexual abuse, and suffered from a co-occurring substance use disorder."

Each year, the KLJ Symposium takes a deep dive into a pressing legal topic. Erica Ashley Ashton, then a third-year law student and editor-inchief of the Kentucky Law Journal, said she hoped the symposium would increase awareness and provide some concrete solutions.

### KJEANRL Hosts Virtual Symposium on Marijuana Law

The Kentucky Journal of Equine, Agriculture and Natural Resources, Law and the University of Kentucky David Rosenburg College of Law housed the journal natural assumption on Feb. 24, 2021; titled Issues in Marijuana Law. Legal practitioners and choling from nevers the manter participated in the

virtua! symposium

insport purchase brought together in discour? the times interest import to the burgeoning industry increasing the production and marketing of carmobic including EBE-home and marijuant. The regulation of the products and its history including involvencest of the federal Food and Drug Administration as well as state and federal regulation makes form complete landscape for those in, or considering, the industry, particularly their lawyers.

Presenters for the event included

Lauren Farruggia, attorney, Soul Ewing Amstein & Lehr LLP
Robert Mikos, professor, Vonderbik Lawij

■ Jennifer Smith, profesior, Florida A&M University Law ■ Mark Osbeck, profesior, University of Michigan Law ■ Glinn Warren, profesior, University of Houston Law

Hayley Abbott, KJEARNL'S executive editor at the three of the appropriate that the three of the appropriate was not ideal, but she thanked everyone involved in organizing the even

Intent to thembrack speaker for their succilent strings informative presentations on these intent Tables with flowers also thank and applaced Mary Dallag was executive development diseases; for her hard week and efform to planting a unique symposium repecially given the unique circumstances.

In addition, Abbott thanked the other editorial board members and the journal's faculty advisor, UK Rosenberg Law Professor Mark Kightlinger, who provided support and helped plan the symposium

KJEARNI, was formed to serve as a resource for practitioners, judges, administrative agencies and officials in addressing legal and policy issues are mounted in addressing legal and policy issues aw," Abbott said. "Over the years, the journal has provided analytical comminations into the law and publication behind many immersuancing those subjects pecifically we have addressed the history and future of the hemp and marijuana industry.

Abbott said the laws regulating marijuana have the potential to effect numerous other areas of the law methoding business law products liability and ironness aw, administrative law, criminal law, intellectual property, and constitutional law.

As the federal and state governments continue to tackle these issues, KJEARNL will stay abreast of the levelopments with the regulation and legalization of marijuant and hemound me hope that you will read our future publications in this area," Abbott said

# Meet Jocelyn Lucero,

# KJEANRL's 2021-2022 Editor-In-Chief

Jocelyn Lucero is a third-year law student from Lexington, Kentucky. She is serving as the 2021-2022 editor-in-chief of the UK J. David Rosenberg College of Law's Kentucky Journal of Equine, Agriculture & Natural Resources Law (KJEANRL). Lucero has a B.A. in International Relations and Affairs as well as Spanish from Transylvania University. This year, both law journals at the college including the Kentucky Law Journal are being led by women of color.

#### WHEN DID YOU FIRST BECOME INTERESTED IN LAW SCHOOL? AND WHY?

I became interested in law school at a young age, actually. When I was in fourth grade my mother began the process of applying for her mother's, my grandmother's, permanent residence for a second time. While I had the good fortune of being born in this country, both of my parents are from Mexico. Consequently, I was exposed to the immigration process and its shortcomings at a very early age. This was the second time my mother had gone through this process with my grandmother and I was shocked because I didn't understand why it was so difficult for us to achieve something so simple as having my grandmother home for Christmas, I witnessed first-hand the lack of legal resources available to the low-income families in the Latinx community, and it was then that I decided I wanted to help. I realized that by becoming a lawyer I could give back to my community and that has been my goal ever

#### WHAT DO YOU LOVE MOST ABOUT UK ROSENBERG COLLEGE OF LAW?

I really appreciate the community that the College of Law offers. Law school is tough, but it is so much easier and enjoyable when you have a community of supporters to help you along the way. I can genuinely say that I feel as if every professor I have had during my time here has wanted nothing more than to see their students succeed. In my opinion, this is rare, but crucial to ensure the success and mental wellbeing of law students.

#### WHY DID YOU DECIDE TO APPLY FOR KJEANRL **EDITOR?**

Thanks to KJEANRL my writing skills tremendously improved, which in turn instilled a newfound confidence that I lacked my first year of law school, Having such a rewarding experience as a staffer made me want to pursue a role with greater responsibility. It was my hope that I could give back to this organization and ensure the same rewarding experience for incoming staffers.

#### AS THE EDITOR-IN-CHIEF, WHAT ARE YOUR GOALS FOR THE JOURNAL?

One of my goals for the journal is to extend the opportunities journal has to offer to as many students with differing perspectives as possible. Being a first-generation student, I was unaware of the importance of journal membership beyond my legal education. That is why this past spring Kelly Daniel, the editor-in-chief of our sister journal, Kentucky Law Journal, and I made it one of our goals to inform as many first-year students about the future professional and scholarly opportunities that journal has to offer. However, we are both committed to this cause as the school year goes on. In fact, both journals will soon co-host an event with various affinity groups on campus to get to know the Class of 2024 in the hopes of establishing the foundation for a supportive relationship.

WHAT CAN THE UK J. DAVID ROSENBERG COLLEGE OF LAW DO TO SUPPORT AND **ENCOURAGE WOMEN AND STUDENTS OF COLOR** IN PURSUING LEADERSHIP POSITIONS IN STUDENT ORGANIZATIONS AT THE LAW SCHOOL AND IN THEIR **COMMUNITIES?** 

Reach out to students personally. When I receive an email from a faculty member encouraging me to apply for a fellowship or scholarship, I genuinely appreciate it. This small gesture not only informs students of opportunities they may not have been aware of, but it also shows how much they care about students' success. Additionally, listen to students. When faculty and the administration make a concerted effort to listen to students of color it can make a tremendous difference. Students appreciate having their voices taken into consideration.

#### WHAT ARE YOUR CAREER GOALS?

One of my goals is to give back to my community. This is why one of my career goals is becoming an immigration lawyer and dedicating my services to low-income immigrant families.

#### WHAT CHALLENGES/OBSTACLES, IF ANY, HAVE YOU FACED WHILE WORKING TOWARD YOUR LAW **DEGREE? HOW DID YOU ADDRESS THEM?**

My first year of law school was very tough. I struggled a lot with imposter syndrome and this feeling of not belonging really made me question if I was fit to be a lawyer. I had many moments when I thought my best was simply not enough. I wasn't able to get past these feelings until I realized that not everyone has everything figured out, not even those people who had an enviable amount of calmness when being cold-called. This led to a lot of reflection on my part. I had to remind myself that I worked just as hard as everyone here to get here and that I was here for a reason, I was offered a spot here because someone believed that I could be a great lawyer, so then the only thing I had left to do was believe in myself.



## Forging Ahead with Creativity and Resolve

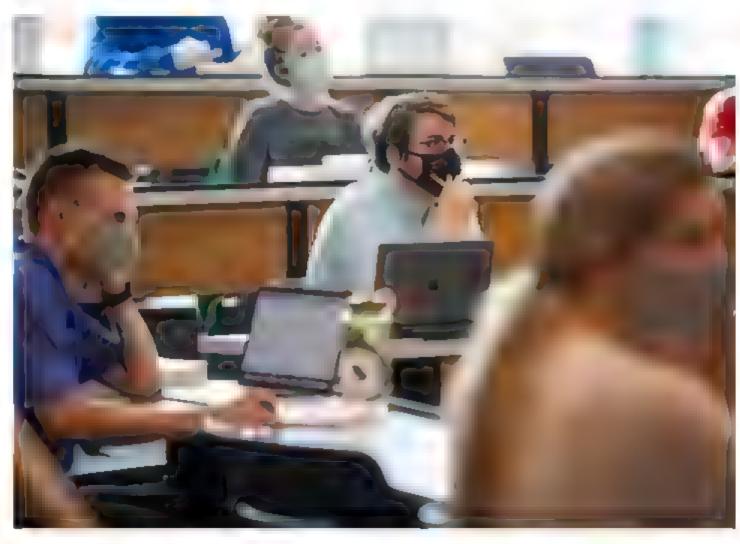
# **How We Transitioned Amid a Global Pandemic**

The University of Kentucky J. David Rosenberg College of Law faced an unprecedented challenge in March 2020 when students, faculty and staff moved out of the law building to learn, teach and work remotely. This was especially difficult because law instruction is heavily focused on in-person dialogue with students, and the newly renovated and expanded law building had facilitated much collaboration and energy between faculty and students.

"I am witnessing the greatest display of professionalism by our students, faculty and staff as we make all of the necessary adjustments," said Dean Mary J. Davis in March 2020, who was then serving as interim dean of the college. "Law school training is ultimately about helping people through their most difficult times and emphasizing the central role the law plays in maintaining our social structures. We have to count on those structures to work when they are most stressed.

"As dean, I am confident that we are going to be fine. As a faculty member, I miss the students a lot, but I know they are going to be fine," Davis said. "We'll see to that."

UK Rosenberg Law persevered. Faculty learned and embraced new teaching tools and technology An Academic Continuity Plan was developed and implemented as well as a Remote Staffing Action



Plan that allowed us to be efficient in managing law school operations while prioritizing health and safety.

Meetings and classes met on Zoom and other online platforms. We celebrated the Class of 2020 with a video tribute. We raised thousands of dollars for the Law Student Emergency Fund. We made calls to check on every law student. We recruited an eager new class.

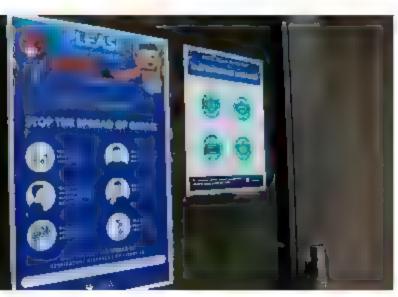
Over the summer following the abrupt but thoughtful transition, UK Rosenberg Law made plans to start a very different academic year with guidance from the university. Staff installed signs about the mask policy, hand washing and physical distancing. Rooms were reorganized.

This edition of Law Notes reflects the fall 2020 and spring 2021 when we continued to embrace technology in teaching, working, and engaging with the community. For example, we held

events and symposia online for participants throughout the country. However, we were also able to safely gather for some in-person events found throughout these pages. Events and other meetings were often held with virtual and inperson components. Many classes also adopted a hybrid model.

In May 2021, we celebrated an in-person commencement for the classes of 2020 and 2021 at Memorial Coliseum. "Throughout the challenges of this past year, you, graduates, have persevered, driven by the goal that we celebrate today," Davis said during the ceremony.

The obstacles presented by the global pandemic are ongoing. As we prepared to send this edition of Law Notes to print, we welcomed faculty, staff and students back to the law building for the fall 2021-masked, but together and determined.









# University of Kentucky Board **Approves First Woman Dean** of Rosenberg College of Law



The University of Kentucky Board of Trustees approved the naming of Mary J. Davis as full-time dean of the J. David Rosenberg College of Law effective Jan. 1, 2021. Davis, the Ashland, Inc-Spears Distinguished Research Professor of Law, had been serving as interim dean. She became the first woman to serve in the role of permanent dean at the college.

"In addition to her university service. Mary has made contributions to the profession at the state, regional, national, and international levels through scholarly activities, including service as a visiting professor at four law schools and authoring a leading casebook on product hability. She is passionate about continuing to enhance the college's strong reputation," said then Provost David W Blackwell.

"It is an exciting yet challenging time at UK, and announcements like these remind us that our brightest days are ahead," Blackwell said in an announcement to the college. "As we continue to work toward our ambitious goals, I'd like to thank you for the work you do every day, Please join me in congratulating Dean Davis and supporting her as she leads your college to the next level of excellence."

Davis has served on the faculty since 1991. She began a tenure as interim dean on July 1, 2019, as the college transitioned from

its two-year temporary location into a \$56 million rebuild on its original site. Prior to becoming interim dean, Davis served as chair of the college's building committee. In this role, she was instrumental, from design through construction, in the College of Law having a facility to provide a 21st century legal education through teaching, learning, research, practical skills training and co-curricular programming.

During her tenure as interim dean, the UK College of Law also became the UK J. David Rosenberg College of Law in December 2019 following a generous gift from alumnus J. David Rosenberg and his wife, Dianne. The couple pledged \$20 million to fund an endowment and non-endowed gift to support student scholarships, faculty recruitment and retention, and programs for the college.

Davis succeeds David A. Brennen. who was the first African American dean of the college, serving from 2009-2020.

In spring 2020, Davis led the college through unprecedented challenges in teaching and learning when the university quickly transitioned all classes online due to the COVID-19 pandemic, and she has been instrumental as the law school continues to adapt and thrive through the health crisis.

"When I received an offer to teach law at the University of



Kentucky in 1991, I thought that I had won the lottery," Davis said. "I have been honored to serve this institution as a member of a faculty of first-rate scholars and educators and to teach the exceptional students who attend the UK Rosenberg College of Law. I am grateful for the opportunity to continue to serve this institution as its dean. I was excited in 1991 for the future, and I remain excited for what the future holds for the UK Rosenberg College of Law."

Davis joined the law faculty at UK after spending six years in products hability litigation defense practice for the law firms of Womble, Carlyle, Sandridge & Rice in Winston-Salem, North Carolina, and McGuire, Woods, Battle & Boothe in Richmond, Virginia. Her practice experience involved management of nationwide litigation and she is a leading scholar in the nation in the field of products liability.

Davis is a 1985 magna cum laude graduate of the Wake Forest University School of Law, where she served as managing editor of the law review, and a 1979 cum laude graduate of the University of Virginia.

\*Dean Mary Davis has devoted years of excellence to the UK Rosenberg College of Law," said former Kentucky Deputy Chief Justice Mary C. Noble, a UK Rosenberg Law alumna who also served as Secretary of the Kentucky Justice & Public Safety Cabinet. "She is an outstanding professor, and during the last three years she has overseen the renovation of the law school building, moved the college in and successfully opened the new space, and has presided over a virtual campus during the Covid crisis. She excels with students, faculty and alumni. She is a brilliant choice for dean, and I am looking forward to working with her as we move ahead."

Jonas Bastien, then president of the UK Student Bar Association. also praised the selection.

"It was a refreshing announcement of good news that interim Dean Mary Davis was offered and accepted the position of official



Dean of the University of Kentucky Rosenberg College of Law," Bastien said. "Dean Davis has been a zealous advocate for the student body throughout the COVID-19 pandemic, helping usher in changes to the grading system during the spring semester with the help and support of the Student Bar Association, maintaining constant communication with students through Zoom town halls, and overall leading the entire college to adapt to the newfound challenges of online learning. I am excited for the path of our College of Law under her leadership, and for the continued success of the students as a result of proper administrative guidance."

When I received an offer to teach law at the University of Kentucky in 1991. I thought that I had won the lottery. I am grateful for the opportunity to continue to serve this institution as its dean I was excited in 1991 for the future, and I remain excited for what the future holds for the UK Rosenberg College of Law.

Mary J. Davis

I hope the students will see me as a resource for them with respect to their experiences in law school, but also as an advocate as they navigate their years at Rosenberg Law."

Jennifer Bird Pollan



# Professor Jennifer Bird-Pollan Named Associate Dean for Academic Affairs

Jennifer Bird-Pollan, a tax law professor who joined the faculty in 2010, has been named associate dean of academic affairs for the University of Kentucky J. David Rosenberg College of Law, starting May 15, 2021.

"Jennifer is committed to our academic program, our students and faculty success," UK Rosenberg Law Dean Mary J. Davis said. "She has a wealth of leadership experience in our college and across campus, and I look forward to working with her."

Bird-Pollan serves as the Judge William T. Lafferty Professor of Law and teaches federal income tax. estate and gift tax, international tax, partnership tax, corporate tax, and a seminar in tax policy. Her research lies at the intersection of tax law and philosophy, specifically regarding the taxation of wealth transfers and issues of sovereignty in international taxation.

In 2017, Bird-Pollan won the law

school's Duncan Teaching Award, which is presented annually to a faculty member who has excelled in the classroom, courtesy of the Robert M. and Joanne K. Duncan Faculty Improvement Fund.

Outside of the classroom, Bird-Pollan advises students working toward admission into Tax LLM programs, assists with the college's Volunteer Income Tax Assistance Clinic, and serves as faculty advisor to the college's Tax Law Society and Women's Law Caucus.

She has guided students to success in tax moot court and writing competitions. In 2020, third-year law students Amanda Krugler and Scott Sullivan with Bird-Pollan as their coach were awarded first place in the American Bar Association's 19th Annual Law Tax Challenge, Student Division.

Bird-Pollan describes making the transition to an administrative role as an opportunity to give back to the students law school community.

"I love being a law professor, and I love teaching," she said. "Seeing students come to realize their interest in something new and different is a real joy. But serving as associate dean gives me a chance to think about some of the bigger picture questions at the college. I hope the students will see me as a resource for them with respect to their experiences in law school, but also as an advocate as they navigate their years at Rosenberg Law."

Before starting her work as associate dean, Bird-Pollan served as the 2014-2015 Fulbright Visiting Professor at the Vienna University of Business and Economics in Vienna, Austria. She has served as visiting professor at Indiana University Maurer School of Law, the University of Cologne, and Fordham University School of Law. From 2018 through 2020, Bird-Pollan served as chair of the University Senate Council, the

central faculty governance body at the University of Kentucky.

She received her J.D. from Harvard Law School, a Ph.D. in philosophy from Vanderbilt University, and her B.A. in philosophy and French from Penn State University, Prior to joining the faculty at UK, Bird-Pollan practiced law as an attorney in the tax department of the law firm of Ropes & Gray in Boston, focusing primarily on partnership tax and non-profit tax law.

Dean Bird-Pollan said she is enthusiastic about the future of UK Rosenberg Law

"Finally, being back in person in our beautiful new building, with Dean Mary Davis serving as dean, and our new faculty and students in place, there is such a feeling of optimism in the Rosenberg College of Law right now," she said. "I am so excited to be a part of this incredible community!"

# UK Rosenberg College of Law Hosts Daylong **Breonna Taylor Symposium**













The UK J. David Rosenberg College of Law hosted a daylong symposium, "Say Her Name: Breonna Taylor," on Friday, Oct. 23, 2020, over Zoom. The symposium featured five panel discussions among lawyers, law professors, activists, practitioners, politicians, and students. The panels probed legal issues surrounding the case - criminal charges and defenses, search warrant inconsistencies, damages awarded to the family, the federal investigation, and the impact of race on policing.

"This extraordinary event led by Professor Blanche Cook is a credit to the work. compassion, passion, dedication, and experience of so many of our panelists, our moderators, and others behind the scenes," said Dean Mary J. Davis, who provided welcome remarks.

Panelists included attorneys for Breonna Taylor's family and nationally recognized experts in both criminal law and procedure. UK Rosenberg Law students served as moderators for each of the five panels: The Substantive Problem with Charges, The Procedural Irregularities with the Case, The Damages (How do parties arrive at the damages award?), The Feds (What are anticipated problems with the federal proceeding?), and Race and Policing.

Breonna Taylor, a 26-year-old Black woman. was fatally shot in her Louisville home on March 13, 2020.

"A search warrant is what gave the officers the lawful authority to be there if the facts are as they have been presented. Of course, this case has been very confusing and trying to get to the truth of everything has been challenging," said Nieri Mathis Rutledge, a professor of law at South Texas College of Law Houston, who also served as an associate judge and has signed hundreds of search warrants in her career. "But a search warrant has to be based on probable cause and an affidavit. So, number one, we know that it was a different officer who swore out the affidavit than the officers who executed the search. When I look at the affidavit...I found about five or six things that concern me."

Rutledge sat on the second panel with four others, including UK Rosenberg Law Professor Cortney Lollar who further discussed problems with the execution of the warrant.

All the panel discussions were recorded and are available to view at law.ukv.edu, academics, breonna-taylor-day-long-symposium.

Dwight Haggard III, who was a third-year law student at the time of the event, introduced the lunch speaker, Kentucky State Rep. Attica Scott of Louisville

"I have followed her journey in activism since high school, and I find courage in knowing that she is fighting for justice throughout the state of Kentucky," Haggard said. "Her story is truly extraordinary."

Scott talked about the sustained "marches, rallies, and powerful solidarity" on the ground in downtown Louisville following Breonna Taylor's death. She spoke of being tear gassed, and she questioned the riot gear used by police. Scott was arrested during a protest on Sept. 24. Felony riot charges were later dropped.

"Black people in Louisville are in the midst of twin pandemics: Covid-19 and systemic racism," Scott said. "Black people are disproportionately impacted by Covid-19, and we are constantly under the terror of the system of policing—a system that grew out of keeping our Black bodies enslaved."

# **Legal Scholar** Robert G. Lawson **Awarded Medallion for** Intellectual **Achievement**

University of Kentucky Libraries has awarded the 2020 UK Libraries Medalhon for Intellectual Achievement to Emeritus Professor of Law Robert G. Lawson, a nationally recognized scholar on criminal law and the individual responsible for drafting the state's laws on crime and punishment.

Created in 1990 and considered one of UKs most prestigious awards, the medallion honors a Kentucky resident whose accomplishments represent the pinnacle of education and creative thought in the fields of science, literature, art and philanthropy. Medallion recipients are determined by the UK Libraries National Advisory Board after receiving nominations from the public. Past recipients include John Anthony, Wendell Berry, James Still, Bobbie Ann Mason, Thomas D. Clark, Dr. Laman A. Gray Jr., Guy Davenport, George C. Herring, Adalm Wichman, John Egerton, Karl Raitz, George Wright, James C. Klotter, Dr. F. Douglas Scutchfield, Everett McCorvey and Robert K. Wallace.

"I am so proud that the University of Kentucky Libraries recognizes the intellectual and creative contributions of Kentuckians, and there is no finer example of the dedication, scholarship, and service the award was designed to honor than Professor Lawson's body of work. He has shaped the Commonwealth's thinking on criminal law and evidence, educated generations of legal scholars and leaders, and is continuing the work of advancing the lives of others through his efforts to reform the state's prisons and jails," Dean of Libraries Doug Way said.

Robert G. Lawson received his bachelor's degree from Berea College in 1960 and his juris doctor from the University of Kentucky in 1963. He has been a faculty member of the College of Law (now the University of Kentucky J. David Rosenberg College of Law) since 1966. with two periods of service as dean: 1971-73 and 1982-88. From 1994-96, he served as special assistant to the University of Kentucky president.

Lawson's exemplary contributions to the study and practice of law have been recognized throughout his career. He received the University of Kentucky Great Teacher Award in 1971 and again in 2001. He also received the Outstanding Professor Award in 2001, which is granted each year to one professor from the state's several public universities by the Kentucky Advocates for Higher Education.

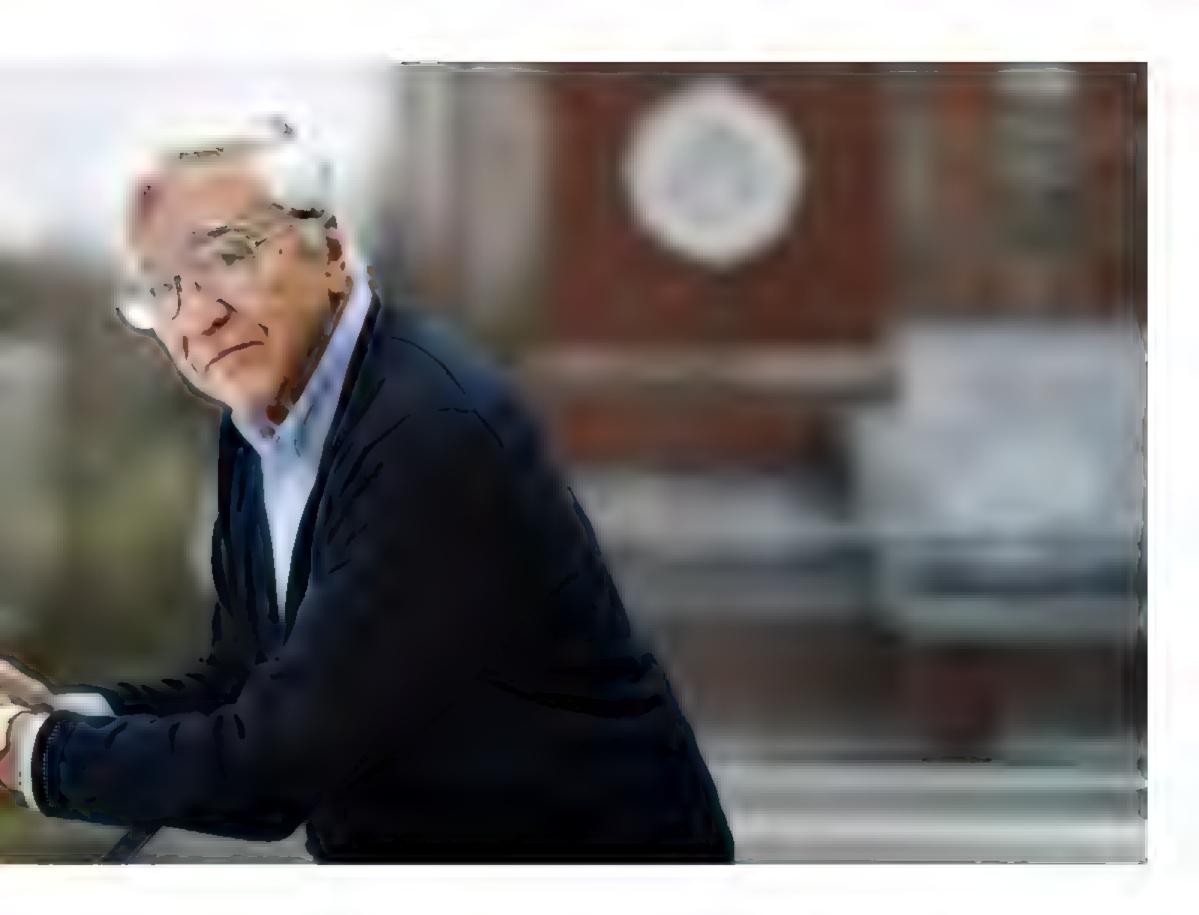


In 1978, he received the first ever Law Alumm Professorship, and in 1981, he received the Distinguished Service Award from the University of Kentucky College of Law Alumni Association. He was elected to the College of Law Alumni Association Hall of Fame in 1996.

The Kentucky Bar Association recognized his accomplishments in 1998 with the Kentucky Bar Center Award, and again in 2010 with the Kentucky Bar Association Outstanding Lawyer of the Year Award. He has also received multiple Best Scholarship in Kentucky Law Journal awards (1999, 2000, 2005 and 2007).

On March 11, 2015, the Kentucky Senate honored Lawson with a resolution in recognition of his returement from the University of Kentucky College of Law.

"Professor Bob Lawson is the epitome of a scholar whose focus is on advancing the lives of others. Through his legal scholarship in the fields of criminal law and evidence, he has educated generations of our Commonwealth's great lawyers and leaders. Through his books about legal events that have a wider audience, he has expanded the



knowledge of the general public about our legal system that, ultimately, belongs to them. He is also a legend at the UK Rosenberg College of Law through his leadership as dean and a respected faculty member who has lived a life devoted to our students and graduates," University of Kentucky J. David Rosenberg College of Law Dean Mary J. Davis said.

Lawson has been extensively involved in law reform efforts in Kentucky, acting as principal drafter of both the Kentucky Penal Code and the Kentucky Rules of Evidence. Recently, he has focused on problems in the state's prisons and jails. For his work in this area, he has received a Special Recognition Award from the Kentucky Association of Criminal Defense Lawyers, the Nelson Mandela Lifetime Achievement Award from the Kentucky Department of Public Advocacy, and the Judge Charles Mengle Allen Advocate for Fair Criminal Justice Award from the Prodigal Ministries, a prisoner advocacy organization.

"I cannot find words that would adequately describe my appreciation for the Medallion for Intellectual Achievement award. To see my name on a list of prior recipients that includes Gov. Bert Combs, Professor Thomas Clark, Wendell Berry, and many other highly prominent Kentuckians is really hard to adequately appreciate," Lawson said. So I am left to say thanks to the UK Libraries for this most special award and to let everyone know that I am overwhelmingly honored to hold in my possession the Medalhon for Intellectual Achievement."

Lawson is the author of a number of articles and books, including Handbook on Kentucky Evidence Law (fourth ed. 2003), "Beverly Hills: The Anatomy of a Nightclub Fire" (1984), and "Who Killed Betty Gail Brown: Murder, Mistrial, Mystery" (2014).

Traditionally, the Medallion recipient is honored at the UK Libraries annual Spring Gala event, which was canceled this year due to the COVID-19 pandemic.

The major research library in the Commonwealth and a member of the Association of Research Libraries, UK Libraries supports the university's land-grant mission to improve people's lives through education, research, service and health care by providing democratized access to information, spaces, technology and tools that advance knowledge, drive discovery and foster interdisciplinary collaboration.

Library faculty and staff have a wide range of expertise, including acquisitions and collection development, discovery systems and information technology, special collections and preservation, information literacy and reference services, research data management, and digital technologies. These individuals provide outstanding service, collaborate with instructors to create rewarding and affordable learning opportunities for students across all disciplines and support researchers at all levels with their creative and academic scholarship.

SUBSURA WILLIAM

# UK Rosenberg Law Creates Diversity, Equity, and Inclusion Student Advisory Board



In 2020, University of Kentucky J. David Rosenberg College of Law Dean Mary J. Davis announced the creation of the Diversity, Equity, and Inclusion ("DEI") Student Advisory Board intended to foster communication on issues of racial justice, diversity, and inclusion in the law school community and more broadly.

Eight students were selected for the board in late September, following a nomination and application process: Christina Collins, Maira Gomez, Maya Marshall, Molly Crain, Sterling Crayton, Isra Shafi, Harrison Chittenden, and Shantale Davis.

"I thank these students for their willingness to serve in this critically important role, and I appreciate everyone who expressed a willingness to serve," Davis said. "Their enthusiasm and energy for this task is palpable. The work we will be doing to advance racial justice, diversity, equity, and inclusivity in our community is some of the most important work we will do together. I look forward to seeing the impact it will have."

The board plans to meet monthly with the dean and associate/assistant deans to discuss issues related to diversity and inclusion at UK Rosenberg Law Members will also collaborate with faculty committees, including the Appointments, Curriculum, Diversity, and Executive committees. Finally, the board will host independent activities, events, forums, and other specific actions desired by the board or requested by the dean.

The DEI Student Advisory Board is just one example of how UK Rosenberg Law students, faculty, and staff are working to address racial injustices in our communities and create a diverse, equitable and inclusive law school community.

The UK Rosenberg Law Diversity Committee, a faculty-led committee started by former Dean David A. Brennen, strives to build a diverse and enriching environment and raise awareness about the importance of these efforts. The Diversity Committee hosts a series of diversity discussions each year.

The first UK Rosenberg Law Diversity
Committee Discussion Series in early October
invited the University of Kentucky community
to discuss policing with guests Anthany Beatty,
UK assistant vice president of public safety and
finance and administration chief diversity officer;
Russell Coleman, U.S. attorney for the Western
District of Kentucky; and Jocelyn Simonson,
a professor at Brooklyn School of Law. The
panelists discussed structural police practices that
could lead to disproportionate uses of force in the
Black community.

"It is crucial that our law students engage in meaningful dialogue with each other and faculty, administration, and staff about issues of diversity, equity, and inclusion," said Daniel P. Murphy Jr., UK Rosenberg Law's senior assistant dean of community engagement and operations/chief diversity officer. "As law students and future attorneys, they have the platforms to foster civil discussion on these important issues and then seek to make the necessary changes, be it through law, policies and, more importantly, in people's minds and hearts."

Faculty and staff at UK Rosenberg Law are also active in diversity initiatives across the university and in the Lexington, Kentucky, community, Murphy was selected with Scott R. Bauries, associate dean of research and Willburt D.

Ham Professor of Law, to co-lead the University of Kentucky's team on responsible speech, addressing a need to prioritize the university's commitment to diversity and climate of inclusion for diverse students, faculty and staff, within the parameters of constitutional and legal protections of speech.

Off campus, Professor Melynda J. Price, who also serves as director of the Gaines Center for Humanities, was appointed to the Law Enforcement, Justice & Accountability Subcommittee of Lexington Mayor Linda Gorton's Commission for Racial Justice and Equality. The commission aims to listen, discuss, and create empowering solutions that dismantle systemic racism in Fayette County, Kentucky.

Several UK Rosenberg Law faculty and alumni also participated in a three-part series about institutional racism in legal systems, organized by the National Bar Association's John Rowe Chapter in Lexington and the Fayette County Bar Association, In August, Price joined a panel, "Understanding the Impact of Race in Criminal Justice." for the first of the three events. Rosenberg law alumni Fayette County District Court Judge Melissa Murphy and Noel Caldwell, attorney at law, were also on the panel. In September, Bauries joined a panel, "Understanding the Impact of Race in Employment," with Rosenberg law alumna Lator Mayo of Littler Mendelson P.C. also on the panel. Finally, on Oct. 8, Professor Robert G. Schwemm served as a panelist on the discussion titled, "Institutional Racism in Legal Systems: Criminal Justice, Employment & Housing."

# Professor Bauries Receives 2020 Duncan Teaching Award



David Rosenberg College of Law Professor Scott R. Bauries was awarded the 2020 Duncan Teaching Award.

The award is presented armunity, countery of the Robert M. and Joanne K. Duncan Faculty Improvement Fund, to UK Rosenberg Law inculty member for excellence in the classroom. The Robert M. and Joanne K. Duncan Faculty Improvement Fund was established in 1962 to promote outstanding teaching performance at the law school Recipients of the Duncan Teaching Award are selected by the dean of the college with emphasis placed on student evaluations.

UK Rosenberg Law Dean Mary J. Davis, ashland-Spears Distinguished Research Professor of Law, said Bauries in known by his sindents as both rigorous and companional

Students appreciate that he always gues above and beyond for their legal education. They accognize his expertise in a wide range of subjects, and he teaches in all those subjects. Davis said. "He also takes on extra courses when there is need, without having to be asked. Scott has his students and his faculty colleagues' best interests at heart;

Resemberg Law's associate dean of research. He joined the law school's faculty as an assistant professor in 2008 after working as an associate with McGuise Woods, LLP, where he practiced labor & employment law, higher advention law, and complex commercial litigation.

I am honored to be chosen for this year's Duncan Award. I believe that, with the level of teaching talent my argiblessed with in the Rosenberg College of Law, any one of my colleagues would have been a great choice." Bouring and, "Teaching is very important to us all, and I want to thank the Duncan family for so generously supporting out efforts through this award. I'll be working hard to ensure that I can continue to live up to it."

Bauries teaches civil procedum, employment into team constitutional law advanced torus and education law His professional and academic interests include judicial decision making, federal and state constitutional law employment law, and education law.

## Joshua A. Douglas Named Ashland, Inc-Spears Distinguished Research Professor of Law

Joshua A, Douglas has been named an Ashland, Inc.-Spears Distinguished Research Professor of Law, effective July 1, 2020. Douglas, a voting rights and constitutional law expert, is the author of Vote for US: How to Take Back our Elections and Change the Future of Voting, a popular press book that provides hope and inspiration for a positive path forward on voting rights.

His most recent legal scholarship focuses on the constitutional right to vote, with an emphasis on state constitutions, as well as the various laws, rules, and judicial decisions impacting election administration. He has written extensively on election law procedure.

The selection committee consisted of UK College of Engineering Dean Rudolph Buchheit, Kentucky Chief Justice John D. Minton, Jr. and Chief Judge Danny Reeves of the U.S. District Court for the Eastern District, According to the selection committee, "In making this recommendation, we point to Professor Douglas' past scholarly productivity and the influence it has had in judicial decision-making. This is taken as evidence in favor of continued scholarly impact. We also point to the focus and relevance of his proposed research in voting rights and election law, and his detailed scholarship plan."

Dean Mary J. Davis noted in the announcement to the UK J David Rosenberg College of Law community that the professorship is one of the college's most distinguished professorships and is given to a current law professor who excels in research. Among other things, the holder is eligible for an extra sabbatical leave in addition to

the sabbatical leave available as a regular faculty member. Douglas' term in the Ashland, Inc.-Spears position will last for five years.

Douglas has published in top journals, including the Georgetown Law Journal, Penn Law Review Online, Vanderbilt Law Review, Washington University Law Review, George Washington Law Review, William & Mary Law Review, Indiana Law Journal, and the Election Law Journal, among others. His article Procedural Fairness in Election Contests was a winner of the 2011-12 SEALS Call for Papers, and he has been cited extensively in major law review articles and case books in the field.

He is also a co-author of an Election Law case book (Aspen Publishers 2014) and a co-editor of Election Law Stories (Foundation Press 2016), which tells the behind-the-scenes stories of the major cases in the field. In addition, his media commentaries have appeared in the New York Times, CNN, Washington Post, LA Times, USA Today, Reuters, Politico, The Atlantic, Huffington Post, and Slate, among others, and he has been quoted in major newspapers throughout the country. He appeared live on CNN on Election Day 2016.

Further, he was the founder and initial chair of the AALS Section on Election Law. Prior to joining UK, Douglas clerked for the Honorable Edward C. Prado of the U.S. Court of Appeals for the Fifth Circuit and practiced litigation at the law firm of Akin, Gump, Strauss, Hauer & Feld. Douglas earned his J.D. from George Washington University Law School, where he was an articles editor on the GW Law Review.



# **FACULTY NOTES**



Jennifer Bird-Pollan was elected to the executive committee of the AALS Tax Section for a five-year term, Bird-Pollan was also elected chair of the board of the

Kentucky Center for Economic Policy.



Blanche Bong Cook's piece on Breonna Taylor was accepted by Boston University's Law Review, and it will be both the lead and featured article in issue 102. Cook

also recently signed a contract with Westlaw to publish the first sex trafficking textbook.



David A. Brennen is the vice chair of the Board of Bluegrass Care Navigators (BCN) and will serve as chair in 2022, BCN is the statewide hospice and

palliative care nonprofit organization in Kentucky. Brennen is also immediate past president of the Southeast Association of Law Schools and serves on the Council for the American Bar Association Section of Legal Education and Admission to the Bar.



Allison Connelly was elected to the Kentucky Bar Association's Board of Governors by attorneys in Kentucky's fifth district. Connelly also presented

"Significant Cases from the United States Supreme Court, the 2020 and 2021 Terms," to the Kentucky Circuit Judges Judicial College, the Kentucky Court of Appeals Judicial College and the members of the Fayette County Bar Association.



Joshua A. Douglas was called on by national and local media before, during, and following the 2020 general election. He served as election analyst

for Spectrum News 1 Kentucky. Douglas was interview by NPR and wrote op-eds for CNN, The Philadelphia Inquirer, The Washington Post and other media outlets.



Melissa N Henke was recently appointed as the law school's designated member of the AppalReD Legal Aid's Board of Directors.

Henke will serve a two-year term.



Cortney Lollar teamed up with the college's Street Law and Trial Advocacy Board student organizations to prepare high school students at Favette

County Public School's The Learning Center to conduct a mock trial centered around the story from Lin-Manuel Miranda's musical Hamilton, Due to COVID-19, the mock trial took place virtually with support from retired Judge Ilona Holmes, Seventeenth Judicial Circuit Court in Broward County, Florida, who presided over the mock trial.



Kathryn L. Moore was elected to the Board of Governors of the American College of Employee Benefits Counsel.



Jonathan D. Shaub testified about executive privilege and congressional oversight before the Senate Committee on the Judiciary, Subcommittee on

Federal Courts, Oversight, Agency Action. and Federal Rights as part of a hearing titled: "Breaking the Logiam: Principles and Practice of Congressional Oversight and Executive Privilege" on Aug. 3, 2021.



Ramsi Woodcock presented his paper, Personalizing Prices to Redistribute Wealth in Antitrust and Public Utility Regulation, at the 31st Annual Meeting of the

American Law and Economics Association in October. Another paper, Big Data, Price Discrimination, and Antitrust, 68 Hastings L.J. 1371 (2017), has been translated into Chinese and is forthcoming in Central University of Finance and Economics Law Review (中財法律评论). An Op-Ed on last winter's Texas power crisis, "What Those Shocking Texas Power Bills Have in Common with Uber Surges, Broadway Tickets, and Airfare: It's Called Marginal-Cost Pricing, and It Isn't Just a Red-State Problem," appeared in Slate in February.

# Retirements

In May 2021, faculty and staff celebrated the retirements of Professors Roberta Harding and Sarah N. Welling. Harding joined the college's faculty in 1991 and was the first female, African American professor at the law school, Sarah Ne Welling joined the faculty in 1981/



# Staff Appreciation

For 50 years, Mary Ann Isaacs has been well-known staff associate for the law school at UK, starting her career in 1972, "I'm 80 years old and still wor Keeps you busy, keeps your mind igoing. I'm not going to sit home and do nothing. You can wither your life away y doing that," Isaacs said recently



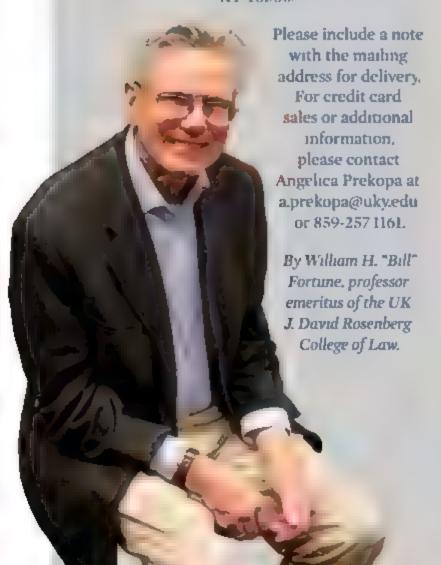
# The Man from Whitman Creek: A Biography of Robert G. Lawson

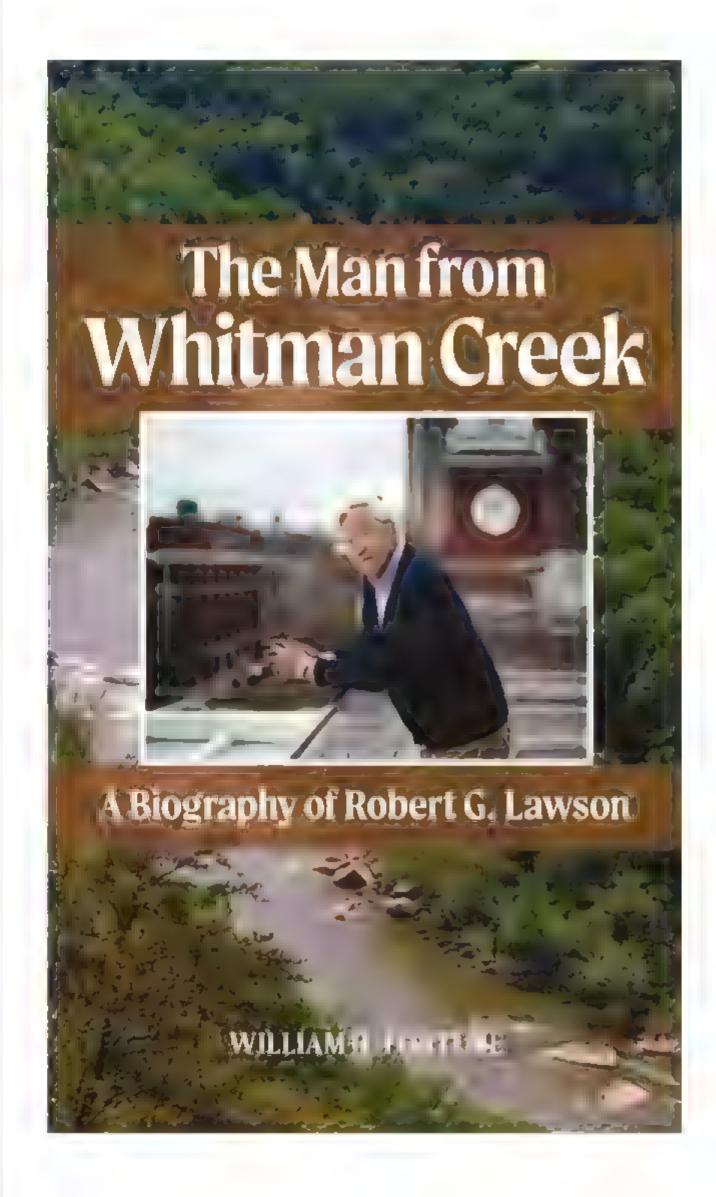
Robert G. "Bob" Lawson had a long and remarkable career: over 50 years, he taught thousands of law students; counseled lawyers, judges, and University of Kentucky presidents; authored three books; drafted Kentucky's criminal code and rules of evidence; and campaigned against harsh sentence and jail overcrowding. In all his endeavors, Lawson brought to bear the values he learned growing up in a loving family-in Whitman Creek. n West Virginia coal camp-work hard, be responsible, exercise good judgment, and act for the welfare of others.

#### Get your copy now!

Professor Bill Fortune is donating full proceeds from the sale of the book to the Paul Van Booven Scholarship Fund started by Professor Lawson.

Send a check for \$33 per book (covers tax and mailing) made out to the University of Kentucky to the following address: UK Rosenberg College of Law, Attn: Angelica Prekopa, 620 S. Limestone #139, Lexington, KY 40506.





# **CRIMINAL FINES AND FEES: Badges and Incidents of Slavery**

CLOSING FACULTY THOUGHTS BY CORTNEY E. LOLLAR

The past year has highlighted and deepened many of the racial and economic inequities present in our country. The divergent effects of COVID and, for some, a dawning recognition regarding the racial disparities in police interactions after the deaths of George Floyd, Ahmaud Arbery, and Breonna Taylor have brought these inequities squarely into the public view. Although our society treats these occurrences as unique, modern events, to do so ignores how deeply engrained and long-standing the systemic unequal treatment of Black and Brown people is in this country, particularly in the context of the criminal legal system.

A visible thread connects the imposition of modern criminal court debts to the financial obligations courts inflicted on the recently emancipated who were convicted of violating the Black Codes immediately post-Emancipation. Initially, state legislators passed. and local sheriffs enforced, laws specifically targeted at arresting newly emancipated Black individuals, ordering them to pay a series

of debts at conviction they had no chance of being able to pay. In lieu of payment, courts "allowed" defendants to work off the debts. Once the Black Codes were found unconstitutional, convict leasing, where the courts leased out people convicted of a crime to private entities for their labor, became the program de jure, until it, too, was found unconstitutional. Although the Supreme Court never explicitly weighed in on hard labor or chain gangs, eventually those practices mostly morphed into what we have now: exponentially expanding fines and fees. Courts impose financial obligations first at arrest and then again pursuant to a conviction, punishing people with incarceration if they do not or cannot work to meet these financial obligations.

This form of physical and economic servitude would not have been permissible but for the punishment clause in the Thirteenth Amendment, Criminal punishment pursuant to a facially valid conviction has been indisputably accepted as an exception to

the Thirteenth Amendment's prohibition on slavery and involuntary servitude. After all, the Constitutional text reads "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." Imposing debts that are beyond a person's ability to pay, and then requiring them to work off those debts, would ordinarily qualify as involuntary servitude, at least by most definitions. But because these debts are being imposed pursuant to a criminal conviction, the Thirteenth Amendment permits this system to flourish. Abundant evidence reveals how troubling this system was for many of the framers of the Thirteenth Amendment, yet the post-hoc mechanisms they put in place in an effort to prohibit this behavior were unavailing.

Consequently, courts around the country have come to rely on the funding stream from court debts to run their court systems and governments. One recent study found that thirty-eight cities received ten percent or more of their revenue from fines and fees. One town relied on fines and fees for a walloping 30.4 percent of its revenue.1 Not surprisingly given the history, municipalities that excessively fine their residents most often have a larger percentage of Black and Latino/a residents than the median municipality.2 Public companies and even non-profits likewise benefit financially from the labor of those who are incarcerated or under court supervision. Inmates work for pennies binding notebooks for private companies; they make a little more to fight the raging forest fires that cripple California every year; numerous non-profits benefit from the community service requirements courts place on them. In short, indigent criminal defendants bear substantial portions of the financial costs of running our court systems, our governments, and numerous private industries through the fines and fees that are imposed during the criminal legal process.

We are now more than 150 years past the Thirteenth Amendment's enactment, yet we still have not confronted head on the legacy of these deeply troubling practices, Although Black Americans were and are disproportionately implicated in the criminal legal system, the impact of the Thirteenth



# Amendment's punishment clause extends far more broadly. A criminal legal system that allows for an end-run around the Amendment's prohibition so long as it is deemed criminal punishment undermines the entire enterprise. After more than a century and a half of a system that continues to dehumanize and physically control those convicted of a crime, the only way to truly eliminate "slavery" and "involuntary servitude," in the sense that the broader definition captures, is to prohibit the exception from swallowing the rule.

Pursuant to Section 2 of the Thirteenth Amendment, Congress has the power to define the meets and bounds of the Amendment's parameters. Congress can and should pass legislation pursuant to Section 2 of the Thirteenth Amendment eliminating user fees that are not correlated to any legitimate penological purpose; calibrate any fines, restitution, or forfeiture to a defendant's ability to pay; and divert any revenue generated from fines and forfeiture away from funding the court system or players within that system. Moreover, Congress should flesh out the definitions of involuntary servitude and slavery in a manner that would prohibit the continued use of fines and fees as a source of revenue generation for states and private entities. A criminal legal system that moves away from reliance on the proceeds generated by involuntary labor will move us one step closer to reconciling with our history.

# Law School Partners with U.S. Holocaust Museum for Social Justice Initiative

The University of Kentucky J. David Rosenberg College of Law in partnership with the United States Holocaust Museum, offered a complimentary social justice initiative Continuing Legal Education program Law, Justice, and the Holocaust; How the Courts Failed Germany on March 30, 2021

The thought-provoking program challenged participants to examine the pressures facing judges prosecutors, defenders, and polices those who are charged with the duty not only to uphold the justice system but also to protect individual liberty.

The goal of the program was to help the nearly 800 participants develope a renewed commitment to ensuring that the rule of law is not used as a tool of oppression.

The UK Rosenberg College of Law is committed to providing a rigorous and intellectually excellent legal education for our students and to support them on their journey to success in a life in the law," said UK Rosenberg Law Dean Mary I, Davis, "We are also committed to our mission of enhancing the public's understanding of legal issues, promoting understanding of the rule of law, and engaging in a variety of matters of law, and engaging in a variety of matters of law, in the halls of government and in their communities."

Davis said programs such as "Law, Justice, and the Holocaust" further the college's obligation to enhance understanding of the important role of the law, lawyers, and judges in schieving societal goals of upholding justice and securing liberts.

Davis said the college learned about the program from law alumnus at David Rosenberg (Class of 1973). The program was developed by the Holocaust Museum, and it has been presented for more than a decade to attorneys, judges, law enforcement and military academies. Rosenberg said he discovered the program when it was offered by the Cincinnati Bar Association in partnership with the Cleveland, Dayton and Toledo bar anacciation.

I thought the program provocative and particularly timely. Thinking about today's program, I am struck by the similarities, although less intense of the pressures on and motivations of Germany's lawyers and jurists and their similarities to the pressures and motivations experienced over the decades by American attorneys and judges.

The presenters during the two-hour vent were William F. Meinecke Jr., a historian for the United States Holocaust Memorial Museum William Levine Family Institute for Holocaust Education, and Ann O'Rourke, program coordinator for the Initiative on the Holocaust and Professional Leadership, United States Holocaust Museum, William Levine Family Institute for Holocaust Education

The Holocaust Museum opened in 1993, founded by a unanimous act of Congress, and was tasked with advancing and disseminating knowledge about the Holocaust preserving the memories of those who suffered, and encouraging visitors to the upon the man all and spiritual questions raised by the history and their responsibilities as citizens of a Democracy.

One of the ways we think we can honor the memory of the survivors is to present programs like these to keep the memory alive," O'Rourke said.

Members of the legal profession "play a very specific role in upholding and protecting ...the bealth and strength of our Democracy." she said

<sup>&</sup>lt;sup>1</sup> L.S. COMM'N ON CIVIL RIGHTS, TARGETED FINES AND FEES AGAINST COMMUNITIES OF COLOR: CIVIL RIGHTS AND CONSTITUTIONAL IMPLICATIONS 21 (Sept. 2017), <a href="https://www.uscct.gov.pubs/2017">https://www.uscct.gov.pubs/2017</a>, <a href="https://www.uscct.gov.pubs/2017">Statutory\_Enforcement\_Report2017.pdf</a>.

<sup>2</sup> Id. at 22-23.

# Four Generations of John Y. Browns Receive Law Degrees at University of Kentucky

n 1926, John Y. Brown Sr. graduated from the University of Kentucky College of Law. The son of a tenant farmer and the first in his family to attend college, John Y. Brown Sr. used his law degree to become a trial attorney - the career he later said he'd wanted since he was five years old - and a longtime politician.

This was just the beginning of the Brown family's relationship with the college. Over the next century, four generations of John Y. Browns would graduate from the same law school.

John Y. Brown Jr., former Kentucky governor, attended University of Kentucky for his undergraduate studies and received his jurisdoctor from UK in 1960. John Y. Brown III, former Kentucky Secretary of State, obtained his juris doctor in 1992. This year, John Y. Brown IV continued the tradition, making him the fourth with the same family name to graduate from the college, now renamed the UK J. David Rosenberg College of Law.

"My father (John Y. Brown Sr.) used his
UK law school training to build his legacy
as Kentucky's most outstanding trial
lawyer for half a century," John Y. Brown
Jr. said. "Naturally, I tried to follow in my
father's footsteps but found the business
world more appealing. My law training
was a critical basis and asset in building
a worldwide business opportunity."

John Y. Brown Jr. turned Kentucky Fried Chicken Inc. into one of the largest fast-food operations in the world. He became the governor of Kentucky in his first political race.

"My law background gave me the background and understanding to allow me to become governor of the Commonwealth of the Kentucky," he said. "Any achievements in my career came from my legal training at UK."

His son, John Y. Brown III, said a photo of his grandfather (John Y. Brown Sr.) and others from the 1926 class hung on the wall outside of his first-year torts class. He joked that the image glared at him as he walked to and from class.

"The legacy of UK law for my father and grandfather mattered to me," John Y. #
Brown III said, "But, mostly, I visited

the law school and really fell in love with it. UK is a very special place."

John Y. Brown III, with his father, helped spread the Kenny Rogers Roasters fast-food franchise across the country and into several foreign countries. In 1996, he was elected Kentucky secretary of state at the age of 32, one of the youngest to hold statewide office, and he was reelected in 2000. He started a consulting firm over a decade ago, and he is currently a member of Kaplan Johnson Abate & Bird LLP in Louisville, handling government relations.

"I could never have done the things that I've done in my professional career without my law degree from UK, and I treasure and value the friendships that I made then and continue to have to this day," John Y, Brown III said,

For several years, John Y. Brown III taught business law as an adjunct professor at Bellarmine University and would sometimes take his son to class with him. Occasionally, John Y. Brown IV – who was around 12 or 13 years old at the time would raise his hand to answer a question.

John Y. Brown III also recalled walking with his son through the law building after a UK basketball game when John Y Brown

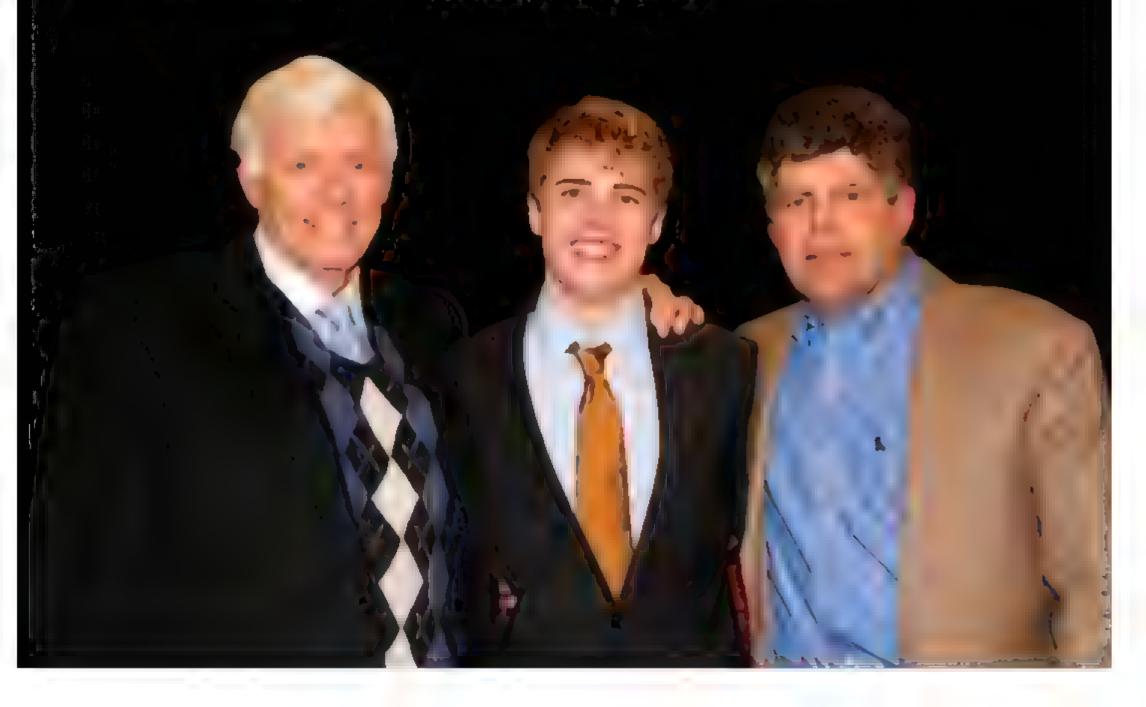
IV was around 7 years old. During that visit, the father suggested that maybe his son would also attend the law school one day.

In fact, he did. John Y. Brown IV received his bachelor's degree and Master of Business Administration from Bellarmine University before coming to UK for law school.

"UK law school has been the pinnacle of my academic career and helped mold and shape me – personally and intellectually – and prepare me as well as I could hope for the workplace and my future career," John Y. Brown IV said.

John Y. Brown III said he believes all four generations "enjoy thinking about the kinds of issues that you're challenged to think about in law school," including political and economic questions and questions about what is fair and just, and why. "I think those are the kinds of issues that just naturally fascinate and interest all of us and that law school allows you to engage with at the highest level."

He said his family is eternally grateful to the college. "I don't even want to wonder what our lives would have been like had we not had the opportunity to go to UK law school."





Jim was a remarkable man and an inspiration to everyone. He was very honest, capable, and stern, but people respected him. He helped everyone he could possibly help."

Jean Lyon

Honoring the Memory of James W. Lyon Sr., Class of 1955

reenup County's (Kentucky) longtime attorney, district and circuit court judge, and community servant, James W. Lyon Sr., truly lived life well. Looking at his career, there is no indication that he was missing his hands and one leg from birth. Judge Lyon was well known and respected for his aptitude for the law, fairness, sense of humor, and positive impact on the Raceland and Greenup communities.

James W. Lyon, Sr. 1931-2021

In April 2021, Judge Lyon died at age 89. To honor his memory, his family, which includes two additional UK law school graduates and one current undergraduate, has set up a scholarship to support law students who hail from Greenup or Lewis County, Kentucky.

"Everyone there knew him and looked up to him. Even after he retired as a judge, people would come to him for advice," said Tracee Lyon, wife of Ben Lyon, Jim's son. "If we can help someone from the areas where he had his home, practiced law, and knew all of the families, he would be thrilled."

# A Life Lived in the Law

Jim Lyon grew up in Raceland and attended the UK College of Law, now the UK J. David Rosenberg College of Law. Following graduation and the bar exam, he set up a practice there, which he moved to Greenup. He hired a secretary, Jean, and they married in 1960. Jean was Jim's secretary for 35 years. They had two sons together and five grandchildren.

"Jim was a remarkable man and an inspiration to everyone," Jean said. "He was very honest, capable, and stern, but people respected him. He helped everyone he could possibly help."

Jean recounts how Jim served as a two-term state representative from 1958 through 1961, then became a probation officer in Greenup County. He was appointed Master Commissioner of the Greenup Circuit Court and performed that role through 1978. He then ran for district court judge and became the first district judge to serve Greenup and Lewis County. In 1983, he was elected circuit court judge, a position he held for a decade.

Jean said Jim was grateful to the university for making it easy and convenient for him to attend law school. When he took the bar exam, the law school provided a stenographer so he could verbally answer the questions while she took shorthand, then transcribed his answers.

"He cherished his days on campus and made a lot of good friends," Jean said.

Jim was also known for his service to many organizations, including the Raceland Russell Lions Club, Ashland Elks, and Easter Seal Society. Having managed football and basketball teams in high school, he was a huge sports fan and participated in Little League sports with his sons. His award plaques, including one naming him to the National Hall of Fame for Persons with Disabilities, fill an entire wall.

# The Next Generations

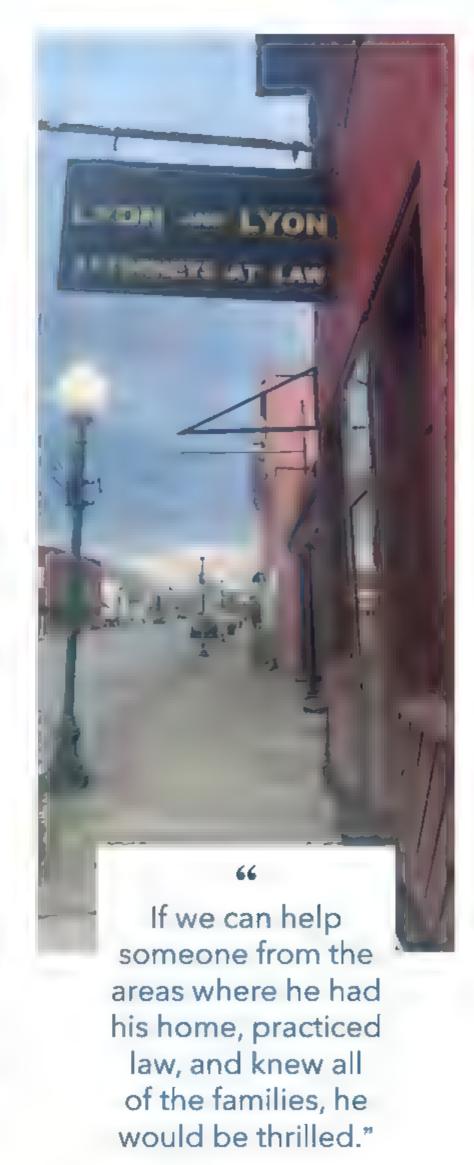
Judge Lyon's love of law inspired family members to pursue legal careers. The couple's son, James Lyon Jr., also attended law school at UK and currently practices law in Greenup where his father practiced. Mitch Lyon, Tracee and Ben's son, graduated cum laude from UK law school in 2018 and now practices intellectual property law. Their youngest child, Grace, is currently studying pre-law at UK and is considering family law per her Papaw's suggestion.

"I was always inspired by Papaw's appetite for the legal field. He still read cases and statutes every day, even after being retired for years," Mitch said.

"It was crazy that there were still UK law professors who knew him and went to school with him. It was cool to have those connections, study in the same courtroom on campus, and to have the same experiences he and my uncle had."

With the Judge James W. Lyon Scholarship, law students from Greenup and Lewis Counties can further be inspired by this remarkable alumnus' example in life and the

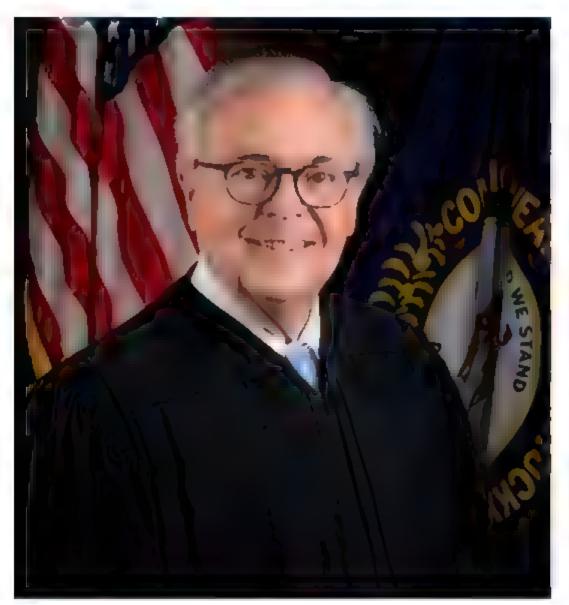
Everyone at UK Rosenberg Law extends sympathies and gratitude to Judge Lyon's



Tracee Lyon

# 2021 Alumni Hall of Fame

The UK J. David Rosenberg College of Law Alumni Association Hall of Fame was established to acknowledge graduates and former faculty of the college whose extraordinary professional success and contributions, profound positive influence on the UK Rosenberg College of Law, and high degree of character and integrity are recognized by their peers, Inclusion in the Hall of Fame is the highest honor bestowed by the UK Rosenberg College of Law,



Chief Justice John D. Minton Jr. was inducted into the Law Alumni Association Hall of Fame for his body of work as well as exceptional guidance of state courts during the pandemic and past economic downturns.

He is Bowling Green's native son, who learned to love history from his father, a history professor, administrator and president of Western Kentucky University. Although he spent his childhood with a university campus as his backyard, a career in academia was not to be. After earning a bachelor's degree in history and English from Western, his interest in the law took him to the University of Kentucky Rosenberg College of Law, where he graduated in 1977.

He spent 15 years in private practice and 14 years as a judge for the Circuit Court and Court of Appeals before being elected to the Supreme Court in 2006 and becoming chief justice in 2008, 2008 was the beginning of the Great Recession, a trial by fire for a new chief justice who was barely sworn in before having to make decisions about deep budget cuts, massive layoffs and the court system's first closures by furlough.

Those early days prepared him for the many challenges to come and his tenure as head of the Judicial Branch has been marked by integrity, a steady hand, legal acumen and a vision for the future of the courts.

The ambitious KYeCourts initiative is transforming how the courts do business by moving from paper to an electronic record. This years-long effort has produced eFiling in every county, new trial and appellate case management systems, eWarrants, eEPOs and more – all in an effort to improve access to justice by leveraging technology. And the recent infusion of federal rescue funds is fueling work on video arraignment/conferencing, redaction, a self-represented litigant portal and payment kiosks.



Professor Emeritus Robert G. Schwemm joined the faculty at the University of Kentucky's law school in 1975 and served in various administrative posts, including acting dean in 1998-1999. He also serves on boards of many local, state, and national organizations, and he is a leading authority on housing discrimination law.

Schwemm has worked as a consultant to the U.S. Department of Justice and the Department of House and Urban Development as well as for other national agencies and organizations. His treatise *Housing Discrimination:* Law and Litigation remains the dominant work in this field and has been cited in judicial opinions, books, and law review articles.

A beloved professor, Schwemm was awarded the college's Duncan Award for Outstanding Teaching three times and awarded the UK Alumni Association Great Teacher Award in 2009. Schwemm was serving as the first Ashland-Spears Distinguished Research Professor when he retired in 2014.

During his tenure as acting dean, Schwemm started the building committee and oversaw record fundraising efforts.

Prior to becoming a law professor, Schwemm practiced with Sidley & Austin in Washington, D.C. and then served as chief trial counsel for the Leadership Council for Metropolitan Open Communities in Chicago, Illinois.

He is a graduate of Amherst College and the Harvard Law School.

# 2021 ALUMNI AWARDS

#### PROFESSIONAL ACHIEVEMENT

Herbert J. Stapleton, 2000

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#### YOUNG PROFESSIONAL

Stephanie Marie Wurdock, 2011

Litigator representing health care providers.

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#### **DISTINGUISHED JURIST**

The Honorable Karen K. Caldwell, 1980 U.S. District Judge for the Eastern District of Kentucky

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#### LEGACY

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# IN MEMORIAM

Mr. Foster Ockerman, 1947 Mr. James Pryor Hancock, 1949 Mr. Rudy Y. Yessin, 1949 Mr. John A. Gregory, Jr., 1955 Hon. James W. Lyon, Sr., 1955 Mr. Albert Jones, 1957 Mr. Jack W. Womack, 1957 Mr. Albert W. Spenard, 1958 Mr. J. B. Johnson, Jr., 1961 Mr. Thomas H. Burnett, 1963 Mr. William E. Gary III, 1963 Mr. James W. Owens, 1963 Mr. J. Patrick Sullivan, 1964 Mr. William L. Wiesman, 1965 Mr. Thomas R. Emerson, 1966 Mr. Stanley C. Nickell, 1966 Mr. Ron Christopher, 1967 Mrs. Laura S. Murrell, 1967 Mr. John C. Ryan, 1967 Mr. John C. Carter, Jr., 1968 Mr. John M. Elias, 1968 Mr. John D. McCann, 1968 Mr. Robert W. Turney, 1968 Mr. Norrie Wake, 1968 Hon, Benjamin L. Dickinson, 1970 Mr. K. Gregory Haynes, 1970 Mr Raymond M Larson, 1970 Mr. Fred E. Fugazzi, Jr., 1972 Mr Reginald A. Guy, Jr., 1973 Mr Samuel E. Isaacs II, 1973 Mr. Stephen D. Milner, 1973 Mr Michael L Barr, 1974 Mr. Stephen A. Zrenda, Jr., 1974 Mr. John E. Bickel, Jr., 1975 Mr William R. Garmer, 1975 Mr Richard M. Joiner, 1975 Mrs. Kathy O. Peale, 1978 Mr Steve Blanton, 1979 Mr Calvin R. Fulkerson, 1980 Mr. John S. Kelley, Jr., 1981 Mr. Michael W. Duggins, 1982 Mr David M. Jones, 1982 Mr. Stephen W. Cessna, 1984 Mr. Kenneth B. Fouts II, 1985 Mr. Richard S. Laird, 1996 Ms. Rachelle Williams-Bolton, 2001 Mr. Corey T. Fannin, 2007 Ms. Natasha Angeliqueh Jones, 2007

# Introducing Pioneers for Progress

The UK J. David Rosenberg College of Law Pioneers for Progress program engages African American alumni and graduates of color to share their stories and experiences, many of which have been lost, with a new generation of students, staff and faculty. An alumni committee will advise the best steps to accomplish this goal. Here, we introduce the project and highlight two of our African American graduates.

# Dwight A. Washington, Class of 1975

Dwight A. Washington, a Dayton, Ohio, attorney who specialized in employment and labor relations matters, died on June 2, 2016 at the age of 66. The 1975 graduate of the University of Kentucky College of Law, now the UK J. David Rosenberg College of Law, handled legal matters in federal and state courts as well as before administrative agencies for more than three decades.

When asked about Washington's most significant achievements, Peggi, his wife of 40 years said, "I think there were many, but the three most significant were marrying me, being a successful entrepreneur, and being ordained as deacon."

Washington's obstuary in the Dayton Daily News noted, "Dwight's faith in the Lord was strong and he lived accordingly. He never met a stranger and was respected and loved by all."

Washington was serving as an attorney at NCR Corp., when he was appointed for a nine-year term on the Central State University Board of Trustees, becoming chairman in 1990. He was formerly employed by the National Labor Relations Board Ninth Region, Pickrel, Schaeffer & Ebeling, and served as director of the legal department for Dayton Public Schools. He maintained a private practice since 1993. Washington was managing partner with Cooper, Gentile, Washington & Meyer and Hollingsworth & Washington.

"His passion was to support and help people in all circumstances, which is why I think he chose to practice law in the area of labor relations," Peggi Washington said.

His primary concentration included equal employment opportunity, age discrimination, termination, wrongful labor relations, school law and mediator/ arbitrator. As a mediator/arbitrator, Washington was involved in more than 4,000 cases involving myriad contractual interpretation issues and discipline-related matters in both the public and private sectors. Washington served on the panel of arbitrators for the City of Dayton-Human Relations Council,

Columbus State Community College, State of Ohio and City of Columbus.

In addition, he hosted a weekly sports talk show on WDAO-AM in Dayton, Ohio.

"He had several hobbies, which included a variety of sports and music," Peggi Washington said. "He enjoyed running and participated in the Atlanta Peachtree Half Marathon. Grilling was a favorite hobby, where he won a cookoff among friends, which was hilarious considering he was a vegetarian. Dwight enjoyed a challenge, so he decided to teach himself to play the drums and he was an avid recreational reader."

Peggi Washington said her husband also enjoyed watching National Geographic, the History channel and HGTV, as well as movies such as The Godfather.

If he could advise law students today, Washington would probably say "Don't Quit," a personal mantra that he adopted from a poem titled "Don't Quit," Peggi Washington said.

"Dwight would advise law students today to prioritize, maximize and use wisely the 168 hours in a week and also to know who they are, know what it is that they stand for, and to be true to themselves," she said.



# **Professor Chauncey Brummer:**

# Imparting a Lifetime of Experience and Knowledge



In part, I tried to give my students an experience that I never had as a law student. I was present as a Black law professor to educate and mentor while also serving as faculty advisor for the Black Law Student Association."

Chauncey Brummer

Professor Emeritus Chauncey Brummer has lived through interesting times. In his four-decade career, he has imparted key learnings to thousands of law students and been a pioneering African American attorney and law professor.

Growing up, he attended both segregated public school integrated high school Louisville, Kentucky, going on to the historically Black Howard University before attending law school at UK. In college, he had first-hand experience with the tumultuous period of civil rights and Vietnam war protests. He was called to teach law after a formative experience educating the poor through Louisville Legal Aid Society, followed by a five-year attorney role at L&N Railroad.

Persistent and curious, Brummer finished college in less than four years. Having grown up poor, he found his way to UK College of Law, now UK J. David Rosenberg College of Law, through a 6-week diversity program held during the summer.

"I was helped by the fact that I had experienced integrated and segregated school that included a Black learning environment where there was no racial discrimination." he said. "College gave me a great deal of confidence. I didn't feel intimidated in law school, because at Howard. I'd been around some of the smartest African American kids from around the world."

He describes himself as an assertive law student, in part, because he had to be. After completing his U.S. Army Reserves active duty service, he joined the law Class of 1973 midterm. Knowing he was a semester behind his classmates, he dove in.

"I'd volunteer and ask questions even though I might get shot down,"

he said. "I viewed every interaction I had as a two-way conversation between the professor and me."

As Professor Brummer, he applied a similar approach to student relationships. At both the University of North Carolina-Chapel Hill and the University of Arkansas, he kept an open door and encouraged Black students along the way. Reflecting upon his law school experience, he had noted how Black students felt added pressure to take the initiative to interact with professors.

"In part, I tried to give my students an experience that I never had as a law student. I was present as a Black law professor to educate and mentor while also serving as faculty advisor for the Black Law Student Association." Brummer said. "All of my personal experiences were valuable to me as a professor."

Brummer taught law at the University of Arkansas for 33 years, teaching thousands of future lawyers, judges, and political leaders. He is proud of the special relationships he formed with many students, including one African American who serves on the Eighth Circuit U.S. Court of Appeals. In addition, one of his twin sons is now a law professor at Georgetown University.

Brummer also had the honor of helping the University of Arkansas establish naming of a building and a conference room to recognize their first six African American students. When he retired in 2015. Arkansas' law school and Black Law Student Association established the Chauncey Brummer Distinguished Lecture Series in his honor.

As many of his former students will surely attest, his legacy has made law education more inviting and inclusive for people of color.

**RUTH PAARMANN** 



The University of Kentucky J. David Rosenberg College of Law engaged students, faculty, staff, alumni, and others in discussions about equality and voting through a series of events in October 2020, commemorating the centennial of the 19th Amendment,

In addition, the law school had the privilege of housing for two weeks "100 Years After the 19th Amendment: Their Legacy, and Our Future," a traveling exhibit created by the American Bar Association Standing Committee on the Law Library of Congress. The six-banner, freestanding exhibit features historic photos and artifacts, and it details the story of the battle for ratification and outlines the challenges

that remain. Since late 2019, the exhibit has traveled from state to state, stopping at law schools, courthouses, and libraries across the country.

The 19th Amendment celebration at UK Rosenberg Law included a trivia night hosted by the Women's Law Caucus student organization; a discussion about the history of women at the University of Kentucky by the UK Women and Philanthropy Network; a conversation about voting rights with Joshua A. Douglas, Ashland, Inc.-Spears Distinguished Research Professor of Law; and a talk about the history of the passage of the 19th Amendment by Professor Emerita Carolyn S. Bratt.

Law Library staff created a comprehensive website accompany the ABA 19th Amendment Traveling Exhibit: hbrary.law.uky. edu/19thamendment/home.

At the kickoff event, Roula Allouch, a 2006 graduate of UK Rosenberg Law and a member of the ABA Commission on the 19th Amendment, introduced the traveling exhibit. Allouch said ABA President Judy Perry Martinez created the special commission in part to celebrate the 100 years of women's constitutional right to vote but also to educate the public about the battle for women's suffrage, 'The exhibit allows viewers to follow, step by step, the process to the ratification of the 19th Amendment.

"As I reflect on bringing this exhibit to my home law school and fellow Kentuckians, I think it gives us an opportunity to commemorate and

celebrate because it's important to celebrate accomplishments. But it's also important to recognize what the 19th Amendment's limitations were and what it didn't do in particular for Black women and women of color," Allouch said.

Allouch's parents were originally from Syria, a country in a civil war as people struggle for the right to participate in their country, communities and democracy. Allouch said it is important to not only recognize what others did in the past but also move forward as some communities continue to face voter suppression and voting rights challenges.

Fayette District Court Judge Melissa Murphy, a 2001 graduate of the law school, paid tribute during the kickoff event to the Black women who fought in the suffrage movement but have been forgotten in the history books. At the time, many white women did not see these women as equal and thought including Black women in the movement would hurt the cause.

"I think many of us can attest that through our elementary and secondary education, there were only two names that were ever discussed when we talked about the 19th Amendment. We talked about Susan B. Anthony and we talked about Elizabeth Cady Stanton," Murphy said.

> Murphy said she later learned about the numerous Black women - including Mary Virginia Cook Parrish of Bowling Green, Kentucky, and Mary Ellen Britton of Lexington, Kentucky - who played a part in the suffrage movement "and I realized how much I owe a debt of gratitude to the work that they continue to do."

> For many Black women, the fight was about the survival of their communities - about life or death, Murphy said. "For Black women, the fight for the right to vote meant voting for a country that would address issues surrounding job training, address issues around equal pay and educational opportunities for their communities. For Black women, the fight for the right to vote meant that they would elect representatives and leaders and local officials who would not

condone and would not support the killing and lynching of their fathers and their brothers and their husbands."

The Voting Rights Act of 1965 finally made voting an "unhindered and unfettered reality for all," said Murphy, who noted that she has the right to vote and to run for office because of these Black women.

"This work is unfinished," Murphy said. "There are still far too many people who have been disenfranchised and counted out of our voting process. Let us who stand because of the voices of these women not forget that, without their work, our voices would be silenced, too."

"While I've recognized that struggle happening in my parent's homeland of Syria, as I look around, I see the struggle continuing in my own country, the United States of America," Allouch said.

Melanie Goan, a UK associate professor of history and a Kentucky Women Suffrage Project volunteer, who also spoke at the kickoff event, said she has never thought so carefully about how to cast her ballot to ensure that her wishes are registered.

"If you have been following the news lately at all, it has been impossible to miss the anxiety that Americans are feeling about voting right now. ... So, this makes it a really good time to think about the history of voting," Goan said.

#### 2020s



Megan Barker (2020) recently joined Stites & Harbison PLLC as an attorney in the Lexington. Kentucky, office. Barker is a member of the Health Care

and Insurance Regulatory Service Group.



Caitlyn Barnes (2020) recently joined Stites & Harbison PLLC as an attorney in the Louisville, Kentucky, office. Barnes is a member of the

Torts & Insurance Practice Service Group.



Ameena Khan (2020) recently joined States & Harbison PLLC as an attorney in the Louisville, Kentucky, office. Khan is a member of the

Business Litigation Service Group.

#### 2010s



Abigail E. Clark (2019) recently joined Stites & Harbison PLLC as an attorney. Clark is a member of the Intellectual Property & Technology

Service Group in Louisville, Kentucky.



Katherine Moore Donnelly (2019) recently joined Stites & Harbison PLLC as an attorney in the Frankfort, Kentucky, office. Donnelly joins the

Business Litigation Service Group and will also practice in the areas of Trust & Estate Planning and Administrative Law.



Jordan Gilliam (2019) has been named to the OperaLex Board of Directors, Gilliam is an attorney based in Stites & Harbison's Lexington,

Kentucky, office, OperaLex is a not-forprofit organization dedicated to supporting and promoting opera in the Bluegrass.



Bradley Strait (2019) joined Dentons Bingham Greenebaum in its Lexington, Kentucky, office as an associate in the Environment

and Natural Resources practice.

# **CLASS NOTES**



Dustyn Jones (2013) has been promoted to partner at Stites & Harbison PLLC, Jones devotes her practice to insurance product review and regulatory matters

as well as healthcare transactions, contracts, reimbursement and regulatory compliance.



Rebecca M W. Sherman (2013) was recently recognized by the Fayette County Bar Association with its Outstanding Young Lawyer Award. Sherman is

a partner in the Stites & Harbison PLLC Lexington, Kentucky, office.

#### 20005



Sarah Cronan Spurlock (2009) of Stites & Harbison PLLC was appointed chair of the International Association of Defense Counsel's Cyber Security,

Data Privacy and Technology Committee.



Ryan McLane (2008), a partner in DBL Law's Civil Litigation practice group, has been named president of the 2021 Emerging Leaders Board created by People

Working Cooperatively, the nonprofit that performs critical home repairs and services to help low-income homeowners live safely and independently in their homes.



Steven Henderson (2007) has been named chair of the executive committee of Kentuckians for Better Transportation. Henderson,

a Stites & Harbison attorney, previously served as vice-chair of KBT.



Joshua T. Fain (2006) was named the new executive director of the Lexington Community Land Trust.



Whitney Frazier Watt (2003) has been appointed to the Board of Directors of the Governor's Scholars Program, The Stites & Harbison attorney will serve a

three-year term. Watt attended the program at Northern Kentucky University in 1995.



Timothy C. Feld (2001) has been appointed to the Kentucky Workers' Compensation Funding Commission Board of Directors to serve for a term expiring Nov.

18, 2023. Feld is vice president and general counsel for Kentucky Employers' Mutual Insurance.

#### 1990s



Wesley B. Tailor (1999), a judge on the State Court of Fulton County, Georgia, was elected president of the Council of State Court Judges of Georgia. In that

role. Tailor also serves on the Judicial Council of Georgia. He celebrated his tenth year on the bench in December 2020.

#### 1980s



Morgan Ward (1989) has been appointed chair of the Louisville Metro Government's Historic Landmarks and Preservation Districts Commission, The

Stites & Harbison attorney has served on the commission since 2019.



Vanessa Dickson (1982), district judge (ret.), has been named by the Kentucky District Judges Association as a 2021 recipient of the Judge Robert W. Heaton

Award. The award is given to a sitting or retired district judge who has demonstrated enduring friendship and esprit among colleagues and judicial leadership.

Class Notes Submission: UK Rosenberg Law encourages alumni to submit recent professional successes along with a headshot to law@ukv.edu. Please include first name, middle initial, last name and married name (if applicable). Please specify the UK Rosenberg Law graduates when sending a list of multiples from a firm.

# UK Rosenberg Law Alumnus **Carroll D. Stevens** Named Interim President of Rhodes College

The Rhodes College Board of Trustees recently appointed Carroll D. Stevens (1976) as interim president of the college, beginning July 1, 2021.

Stevens has served as vice president for advancement at Claremont McKenna College, From 1987-2005, he served as associate dean of Yale University School of Law, and prior

to that he served as associate dean of University of Kentucky's law school, now named the UK J. David Rosenberg College of Law.

Stevens also has served as an executive with Stupski Foundation. and he has been president of the company foundation of Ardeo Education Solutions since 2013.



"I'm honored that the Board of Trustees has asked me to step in to lead Rhodes during this important interim period," Stevens said in a Rhodes College news release dated March 18, 2021. "I look forward to working with the faculty, staff, and students to continue to implement the college's strategic initiatives and help recruit the college's 21st president."

According to the news release, Stevens will not be a candidate for the permanent role.

In addition to his J.D. from University of Kentucky, Stevens holds a B.A. from Georgetown College.



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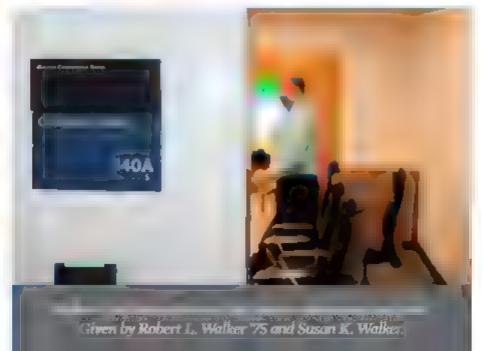










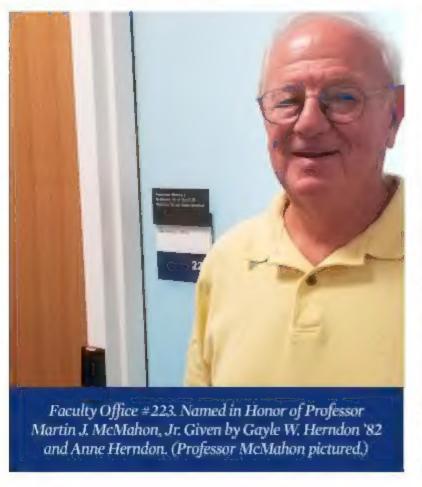














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# FINAL **SPOTLIGHTS**

UK Rosenberg Law Professor Ramsi Woodcock organized a two-day conference, Inframarginalism & Internet: A Conference on Markets as Wealth Distributors and the Implications for Tech Policy. The conference brought together lawyers and economists from around the world to advance the wealth-distributive analysis of legal problems in the context of tech law and policy. Topics included data and power, wealth distribution and property, taxation and tech, and the future of antitrust. Woodcock is also an assistant professor of management in the Gatton College of Business and Economics.

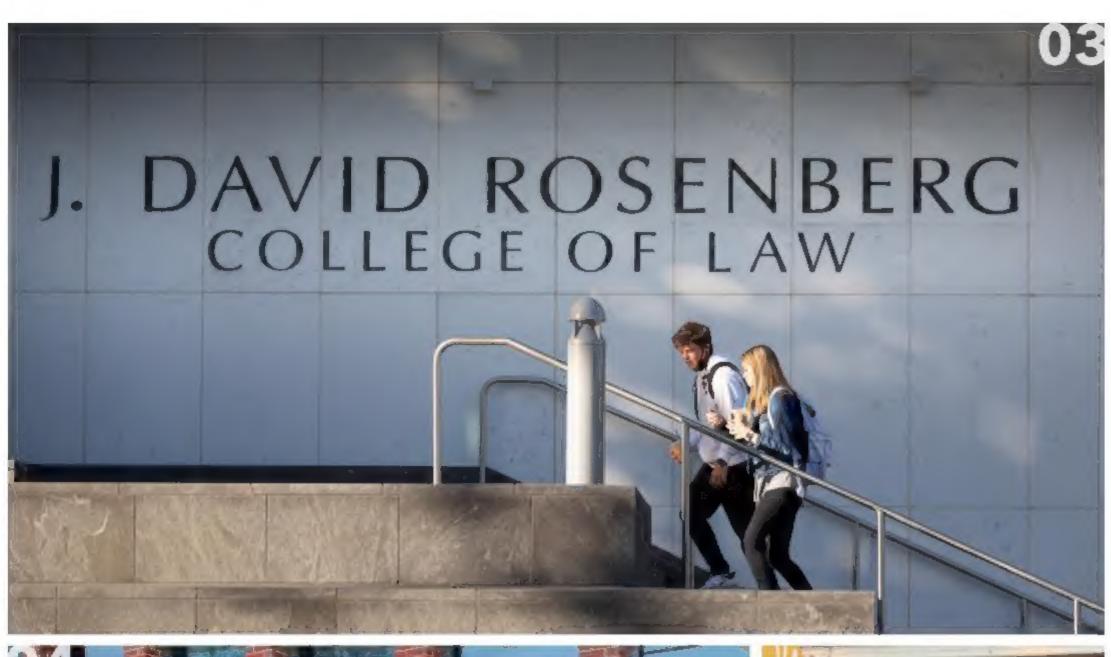
In lieu of a 2020 holiday reception, UK Rosenberg Law Dean Mary J. Davis held a "Holiday Drive-By" for College of Law staff and faculty, their family and pets, as a thank you for their hard work throughout the year. Davis handed out gift bags, snacks, toys for kids, and dog treats as vehicles passed by the Law Building.

Our college name - University of Kentucky J. David Rosenberg College of Law - was installed on the law building in October 2020. In December 2019, the UK Board of Trustees voted to accept a gift commitment of \$20 million from alumnus J. David Rosenberg to officially rename the UK College of Law.

Students Ashlei McPherson and Shantale Davis placed first in the Keating Muething & Klekamp PLL (KMK Law) 1L Diversity Case Competition held virtually Jan. 15-16, 2020. Using the case model, students competed for cash prizes by displaying their analytical, problemsolving, and communication skills. Six additional UK Rosenberg Law students also participated in the competition held in partnership with University of Cincinnati College of Law: Steven Sterlin, Chabre Woods, Kenneth McQueen, Marcus Lee Jr., Shawn Harkins, and Wayne Jones.

The Appalachian Law Caucus collected supplies and monetary donations for communities affected by severe flooding in Eastern Kentucky. The caucus collected \$2,200 in monetary gifts in just 36 hours. Students used the money to purchase cleaning supplies, nonperishable foods, hygiene items, and more. Some supplies were donated by other student organizations at the UK Rosenberg College of Law. Pictured: Jay Phillips (right), then-president of the Appalachian Law Caucus, and Mitchum Whitaker (left).









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